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Oliver J. Carter

Regional Oral History Office
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Earl Warren Oral History Project

Oliver J. Carter

A LEADER IN THE CALIFORNIA SENATE
AND THE DEMOCRATIC PARTY, 1940-1950

Interviews Conducted by
Amelia Fry
Malca Chall

Copy No. 1

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PREFACE

The Earl Warren Oral History Project, a special project of the Regional Oral History Office, was inaugurated in 1969 to produce tape-recorded interviews with persons prominent in the arenas of politics, governmental administration, and criminal justice during the Warren Era in California. Focusing on the years 1925-1953, the interviews were designed not only to document the life of Chief Justice Warren but to gain new information on the social and political changes of a state in the throes of a depression, then a war, then a postwar boom.

An effort was made to document the most significant events and trends by interviews with key participants who spoke from diverse vantage points. Most were queried on the one or two topics in which they were primarily involved; a few interviewees with special continuity and breadth of experience were asked to discuss a multiplicity of subjects. While the cut-off date of the period studied was October 1953, Earl Warren's departure for the United States Supreme Court, there was no attempt to end an interview perfunctorily when the narrator's account had to go beyond that date in order to complete the topic.

The interviews have stimulated the deposit of Warreniana in the form of papers from friends, aides, and the opposition; government documents; old movie newsreels; video tapes; and photographs. This Earl Warren collection is being added to The Bancroft Library's extensive holdings on twentieth century California politics and history.

The project has been financed by four outright grants from the National Endowment for the Humanities, a one year grant from the California State Legislature through the California Heritage Preservation Commission, and by gifts from local donors which were matched by the Endowment. Contributors include the former law clerks of Chief Justice Earl Warren, the Cortez Society, many long-time supporters of "the Chief," and friends and colleagues of some of the major memoirists in the project. The Roscoe and Margaret Oakes Foundation and the San Francisco Foundation have jointly sponsored the Northern California Negro Political History Series, a unit of the Earl Warren Project.

Particular thanks are due the Friends of The Bancroft Library who were instrumental in raising local funds for matching, who served as custodian for all such funds, and who then supplemented from their own treasury all local contributions on a one-dollar-for-every-three dollars basis.

The Regional Oral History Office was established to tape record autobiographical interviews with persons prominent in the history of California and the West. The Office is under the administrative supervision of James D. Hart, Director of The Bancroft Library.

Amelia R. Fry, Director
Earl Warren Oral History Project

Willa K. Baum, Department Head
Regional Oral History Office

30 June 1976
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* Deceased during the term of the project.

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Stone, Irving and Jean, *Earl Warren's Friend and Biographer.*

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Swig, Benjamin H., *Shared Social Concerns.*

INTERVIEW HISTORY

Time and Place of Sessions: Morning and afternoon of August 31, 1971, in the Regional Oral History Office, UC Berkeley.

Those Present: Judge Carter and interviewer Amelia Fry.

Oliver Jesse Carter was born in 1911 and died in 1976. As the son of Jesse Washington Carter and Tiny Elva Gish, he first cut his swath in state history as a young but powerful member of the state senate for eight years (1940 to 1948). He then chaired the Democratic State Central Committee for two years until his judicial appointment to the Northern District of the federal court in 1950. He hailed from Redding, an inexplicable mountain breeding ground for achievers. This small rural city can claim not only the legislative and political leader Carter, but also his father, Jesse Carter, chief justice of the state. In addition Redding has produced other leaders in government and industry, like the Carr brothers--Francis, James, and Lawrence--and others whom Oliver Carter discusses.

Not necessarily on the same side of public issues as other leaders from his home town, Carter was typically an independent in the state legislature, too. As a Democratic senator he was credited by many in Earl Warren's circles as being the crucial senate fighter for the Republican governor's highway bill that created the initial network of freeways in 1947. (That same session, ironically, passed the first smog-control measure for Los Angeles.) As the senator from Shasta and Trinity Counties, Carter became well-known for his fire protection measures for forests. He shepherded other history-making bills to the governor's desk, too. He was one of very few (he thought perhaps the only one) who voted against the 1942 bill to outlaw fishing licenses for Americans of Japanese ancestry; he was a member of the committee headed by Speaker Pro tem Jerrold L. Seawell (of Placer County) to probe the Department of Motor Vehicles' operations in 1943; the so-called Carter-Keating bill passed that same session to curb the prison pardon racket; he tangled with Artie Samish, ironically getting the notorious lobbyist to back one bill but at the same time working for anti-Samish lobbying regulation legislation; and he was a senate leader in pushing 1944 prison reform for the governor, a sweeping reorganization that the Deuel Bill originated.

His record did not go unnoticed by organized labor. In 1945 he and Jack Shelley were the only senators to be accorded a perfect voting record in the columns of the California Federation of Labor's news sheet, with a "good" vote on all twenty-seven roll calls for labor-related legislation. But no one wins them all, and down in Santa Barbara he is probably remembered as the only senator who voted against giving the University of California the option to put a campus there.

Carter's public service occurred in the days when the unprecedented immigration and economic growth of the state led to higher and higher budgets within a sustained period of reduced taxes. The 1947 budget reached a breathtaking \$643 million, yet taxes were the same as the 1945 taxes had been, which were no higher than the 1943 level. In fact, in 1948 Governor Earl Warren could sign SB3, by Tony De Lap, to require that the tax level stay put--which resulted that year in a tax reduction of \$119 million.

But Governor Warren saw taxes in a different light when it came to the crucial priority of highways. He had been planning vast statewide road-building as postwar projects ever since the first year of the war, and when the time came it required a tax increase. Senator Carter tells here how the battle between the governor and the oil companies for the 1 1/2% increase in fuel taxes was manipulated in the legislature and the governor's office, how the city-county ratio for allocations was arrived at, and how finally the Collier-Burns Act was passed with Carter leading the senate forces for Earl Warren and his friend Albert C. Wollenberg performing the same task in the assembly.

As a political animal, Carter attended every Democratic state convention between 1940 and 1950. Before he became state chairman of the party in 1948, he was the Second Congressional District vice chairman. With a Republican governor and legislature firmly ensconced term after term after term, those were grim days for Democrats. Under Carter, as under others before and after him, the party put in a great deal of effort to dislodge Republican congressional incumbents, who often and exasperatingly won both Republican and Democratic tickets in the primaries under the cross-filing system in effect at that time.

But 1948 was the year Harry Truman fooled the pollsters, and nowhere was his victory more startling than California. For that, Carter's help and political competence received much of the credit. Two years later, when Helen Gahagan Douglas decided to challenge fellow Democrat Sheridan Downey for his U.S. Senate seat in the primary, Carter was of course in the unenviable (and ambiguous) position of go-between as incumbent Downey wavered back and forth in his decision to run. Downey did not run, Douglas did--against the sudden emergence of Democrat Manchester Boddy. The primary election resulted in the Democrats fielding Douglas for senator and James Roosevelt for governor.

After the primary campaign (August), Carter was appointed to the federal bench in San Francisco. Even in that he had been left hanging in the middle, this time between Senator Pat A. McCarran of Nevada and the administration. McCarran used his considerable clout to prevent either of the two vacancies from being filled on the federal court until his own man, Ed Murphy, was named judge. McCarran finally won that one--his man was appointed--and the way was clear for Carter to take his place on the bench, a "temporary" appointment that became permanent on December 21. Perhaps mercifully, Judge Carter had missed presiding over Richard Nixon's defeat of Helen Gahagan Douglas.

Prior to the beginning of the Regional Oral History Office's Earl Warren Project, Ollie (as he was called by friends) and I had met briefly at a dinner party. With both of us innocent of the fact that we would produce an oral history in the future, I perceived him as a classical, California, 1940s labor liberal, gentle and jolly in his relaxed social moods, intelligent, and in his conversation quite "forthright"--a term he later was to use frequently in assessing fellow solons as we taped.

A few years later, in 1971, I called him about taping his memoir. He readily agreed to a pre-interview conference for August 12, which started with a delicious lunch in the district court dining room with many of his benchmates joining in to recall legislative capers and political anecdotes. It was not easy for him to arrange his calendar for this project--he was then serving as chief judge--but he insisted on setting aside an entire day and coming to our office for the taping. It became a two-part marathon with lunch at the faculty club punctuating the middle. Colleagues from law, history, and the archives joined us for a lunchtime conversation that exemplified the impressive breadth of knowledge required of a competent federal judge.

Rarely has the rapport between interviewer and interviewee been so easy and the session so fraught with technical difficulties. We tried three balky machines before one finally cooperated, and it tangled the first cassette half way through. Heroically, Ollie repeated the lost paragraphs and forged ahead undaunted, perhaps stimulated by the challenge. He unrolled his recall like an Egyptian scroll. He reeled off the 1940s smoothly, delightfully, and "forthrightly" as long as I changed the tapes on time. He had dug out a few of his own records beforehand, and we had sent him copious homework: copies of bills, a chronology of SB5 (the gas tax saga) plus Leo Katcher's story of it*, several summaries of legislative sessions that were written by the Sacramento Bee political editor Herbert L. "Pete" Phillips, assorted staff summaries, and notes based on our research into reporter Mary Ellen Leary's papers in The Bancroft Library. Leary had also been helpful on the telephone in suggesting lines of questions for Carter and had even agreed to sit in on a session as assistant interviewer, but unfortunately dates could not be scheduled that were convenient for both busy people.

Just as he tried to help us understand the context in which a legislature worked in the forties, Carter also used the interview to leave tracings of other legislators--Ray Williamson comes to mind--whose memoirs could not be

*Leo Katcher, A Political Biography of Earl Warren, McGraw-Hill, 1967, pp. 209-211.

taped because of the necessarily inflexible financial perimeters of the grants that funded the project. For these additional vignettes, we and future historians will be in his debt for a long time to come.

As the research for this volume wound its cumbersome way among us--Carter, water-history interviewer Malca Chall, and myself--the memoir took longer than usual to reach the stage of a full transcription. Then one night an irrelevant event stopped our process in its tracks. Patricia Hearst was kidnapped, and when at last she was brought to federal felony trial, her judge was no less than Oliver Carter. We held the transcript, knowing he had no time to review it. On February 18, 1976, we wrote that we would send it "...as soon as you surface from the Hearst spectacular," and suggested, as an idea for his bonnet, "Do you think future historians will forgive us if we write fini to your opus without [your] adding a postscript on the Hearst case?"

Ollie never got to answer that one. In April of that year, unknown to us, a routine physical checkup showed that he had had a mild heart attack a few days before. He died June 15, 1976--before reading our interview, and also before the final sentencing of Patricia Hearst.

When my car radio announced his death, I realized that, ironically, I was driving on a ribbon strung along the hilltops overlooking San Francisco Bay, an offspring of the freeway system that Ollie had helped father thirty-one years before. A stray thought demanded who was ever to know about his role in the highway bill (unless they happened to read Governor Warren's tribute to Carter's legislative skills in the Bee of January 25, 1947) and for that matter, who was ever to understand his total impact in the legislature and in the Democratic party? The interview took on an added significance.

It was re-reviewed in our office, with names and sequences checked as well as possible, then final-typed. Although without benefit of his final scrutiny, his memoirs were willingly set down here as one part of the family heritage in the state his forebears had helped rear from its gold-rushing birth.

The reader can find related material in other interviews in this series as well as in collections of papers in The Bancroft Library and in the Earl Warren papers in the California State Archives in Sacramento.

The interview history of Carter's taping session with Malca Chall precedes their section of the memoir in this volume.

Amelia R. Fry
Interviewer-Editor

5 October 1979
Regional Oral History Office
486 The Bancroft Library
University of California at Berkeley

25 Years on Bench

Hearst Trial Judge Oliver Carter Dies

By Carolyn Anspecher

U.S. District Judge Oliver J. Carter, the deceptively homespun and "folksy" jurist who presided over the bank robbery trial of Patricia Hearst, died unexpectedly yesterday.

The 65-year-old Judge Carter was stricken at his home and was pronounced dead of cardiac arrest upon arrival at Ralph K. David Medical Center at 12:35 p.m.

One of the still-unscheduled tasks ahead of Judge Carter was the final sentencing of Miss Hearst, the 22-year-old newspaper heiress who was found guilty in his court of armed bank robbery on March 20 after a two-month trial.

He provisionally sentenced her to a maximum 35 years in prison but said he would reduce the term after she underwent a 90-to-180 day psychiatric evaluation at the federal correctional facility at San Diego.

The case could have come up before Judge Carter as early as July 11.

With Judge Carter's death, the Hearst case now will go before another jurist, chosen by the Judges' Reassignment Committee, which includes Chief U.S. District Judge Robert F. Peckham and Judges Charles B. Renfrew and William H. Orrick Jr.

Whoever is chosen will be required to read through hundreds of thousands of words of court transcripts, psychiatric studies and probation reports. A retrial, however, will not be required.

Only two hours before his death, Judge Carter had his customary telephone conference with his

longtime secretary, Margaret Betts, who said he was in "very good spirits."

Mrs. Carter, however, said her husband was "relaxing" on his bed after breakfast when he suddenly began "breathing funny." She said she tried to give him artificial respiration after calling both the family doctor and an ambulance.

Judge Carter, who moved into senior status on the bench with a reduced caseload on April 8, had a long history of heart disease. On April 20 he was preparing to go east for a judicial conference when he went for a routine physical check-up and learned then he had suffered a mild heart attack some days earlier.

He spent some time in the hospital, but apparently had effected a complete recovery and was preparing to resume part-time judicial duties next Monday. On Saturday he attended the wedding of his law clerk, Robin P. Donoghue.

Last January, before the start of the Hearst case, Judge Carter underwent minor vascular surgery, and a number of pre-trial motions were handled by U.S. District Judge Alfonso Zirpoli.

Although Judge Carter sought repeatedly to downgrade it as "just another trial" the Hearst case was the zenith of his 25-year career on the bench.

An appointee of Harry Truman, Judge Carter was given to the idioms of the high mountains where he was reared. He allowed the trial had its "interesting points" and didn't permit much time for "thumb-twiddling."

He was awed neither by the flamboyance of Miss Hearst's chief counsel, F. Lee Bailey, nor the throngs of news reporters who daily clogged his ceremonial courtroom.

He demanded and got total decorum from the press, and produced argumentative attorneys with such down-to-earth comments as "If you are saying that, then I say to you, go soak your head."

Judge Carter was the son of the late California Supreme Court Justice Jesse W. Carter and, as he said, the law came to him practically "by inheritance" and he found it to his liking.

Born in San Francisco, and reared from early childhood in the Shasta county town of Redding, Judge Carter was graduated from Stanford University and received his law degree at Hastings College of the Law.

Initially, he practiced law around Redding, where, he said, the mountains were close and he



OLIVER CARTER

Jurists and lawyers praised him

could hear the night wind and the song of a stream that rippled its way past his window.

He then went into politics and served for eight years as senator for Shasta and Trinity counties.

As Democratic party chairman in California in 1948 he was instrumental in Truman's cliff-hanger victory in the state, and in 1950 came his nomination to the federal bench and his swift confirmation by the Senate.

Essentially low keyed and measured in his rulings, Judge Carter moved with unusual speed in the Hearst case. He frequently beseeched counsel to stop "shilly-shallying around." He himself did no shilly-shallying.

Although a long-time friend of the powerful Hearst family, he himself took the controversial case and promptly revoked Miss Hearst's bail.

The final verdict, he said, was "well within the evidence" presented during the trial, which turned on Miss Hearst's insistence that she had been forced against her will by her Symbionese Liberation Army kidnapers into robbing a Hibernia Bank branch in the Sunset.

Despite his loss of the trial, defense attorney F. Lee Bailey, reached late yesterday in Albuquerque, N.M., where he is trying a case, said he would not seek a new trial for Miss Hearst.

Bailey said he had known Judge Carter for eight years.

"I had a great deal of respect for him before, during and after the (Hearst) trial," Bailey said.

Judge Carter's death left his colleagues on the federal bench both shaken and saddened. Chief Judge Peckham described him as "wise, humane and fair."

U.S. District Judge George B. Harris, who was succeeded by Judge Carter as chief judge August 1, 1970, said: "He was a very stalwart judicial companion and a courageous judge. He will be sorely missed."

To senior U.S. District Judge William T. Sweigert, it was a "great personal loss of a dear and beloved colleague," and Judge Stanley Wetzel adjourned his court "in tribute to one of the finest men ever to grace the bench of the United States of America."

U.S. Attorney James L. Browning, Jr., who successfully prosecuted the Hearst case, spoke of Judge Carter as "eminently fair and humane."

Judge Carter is survived by his mother, Mrs. Jesse W. Carter; his wife, the former Mary Douglass Wallace, and his daughter, Karen, a Harvard Law School graduate who is now a deputy attorney general for the state of Pennsylvania. Judge Carter's first wife, the former Hildur Westland, died in 1960.

Memorial services for Judge Carter are pending at Halsted & Co., 1123 Sutter street.

Amelia Fry Interviews Oliver Carter

I NEED FOR POST-WAR HIGHWAY CONSTRUCTION

[Interview 1, August 31, 1971, Tape 1, Side A]

Senator George J. Hatfield, Driving Force Behind the Collier-Burns Highway Act of 1947

Fry: Before we turned on the tape recorder--

Carter: I was covering this subject matter of the Collier-Burns Highway bill of 1947, and some of the background for it. My memory of it is that the senate was far better organized in support of this legislation than was the assembly at an earlier stage. This had developed because of the organization mainly of rural senators (although not entirely rural), headed mainly by Senator [George J.] Hatfield of Merced.

He was really the driving force behind the highway legislation although it bears the name of Senator Collier and the name of Assemblyman Burns. Hatfield was the main architect of this legislation as I remember it. He was by far the most adroit and experienced man in this field. He had no particular axe to grind other than to try to do something that he thought was progressive in the transportation field. He had concluded his political life more or less, except as far as his state senatorship was concerned, and he was very, very interested in and vitally concerned with the powers and duties of the California State Senate.

He was one of the most astute men in public life I believe I have ever known. There are one or two others who I would rate very close to him. But at the time I knew him, he had lost any personal ambitions to become a state-wide or nation-wide public official and was simply striving to act as the state senator of his own community.

Carter: In this particular area, he had such capacity that he soon dominated the senate. He was a man of great background and tremendous mental capacity. So, he put his mind to this problem, and anyone who has ever seen George Hatfield's mind work knows that it can work at many levels at the same time.

Fry: Was the highway bill originally his idea, or was it such an obvious need that it was in the air at the time?

Carter: It was a growing thing. It had developed over the years. This was really the fruition and culmination of a number of things. The pressure of the post-war era was upon us, and we had only done that work in transportation that was necessary to satisfy the military or war needs. The rest of the transportation system had been allowed to just hold its own, so to speak.

The state was in a very favorable condition in that there was a tremendous surge of income, which it was almost impossible to keep track of. This, of course, was one of the things that Earl Warren saw. I'm satisfied that he saw the same thing and treated the same problem in his own way.

Impressions of Earl Warren

Carter: Warren, as I remember him, always saw the problem as a whole question, and he was always trying to accomplish objectives which were for the public good as he saw it. And once he had arrived at a basic conclusion, he did everything he could to carry out that conclusion. He was a very logical man, and like most of the very competent and able men I have known, he was good at what he was doing.

For instance, when he was a prosecutor he was a very able one. As a matter of fact, he was so good he was often called vicious.

Fry: Were you enough aware of his activities then to judge them for us now?

Carter: Oh no, I just remember it as a young boy coming up. My father was a district attorney at the same time, and I can remember a number of similar situations that arose, because my father was the same kind of man.

Fry: That's why I thought maybe you would be able to--

Carter: I've heard other people describe this characteristic in these men as Calvinistic, but I don't know that that's very accurate. They certainly always were very competent in doing what they did.

Carter: For instance, when they then went on to their respective courts-- And I know when my father went to the legislature nobody ever anticipated what kind of a legislator he was going to be. He was not there very long, so it's hard to have an in-depth reading about what his true quality was. But he would have been a very aggressive and progressive legislator of his time, I am sure. Had he stayed longer he would have made a much greater mark.

Warren as governor showed this same type of development. The minute he moved on into another field of endeavor, he devoted his attention to that field of endeavor and proceeded to excel in that. It goes right back to the basic proposition that he was good at what he was doing whether that was as district attorney or attorney general or governor or Supreme Court Chief Justice. Regardless of the position that he occupied, he devoted his full time and effort to it, and he was very dedicated to the respective task that he had. It was a matter of application and diligence and hard work and perseverance and all those factors that go to make a competent man in public service.

He's incorrigibly honest, and my observation of all of those men is that they were men of great personal integrity. They had tremendous capacity to resist pressure. This is amazing when you know what pressures were put on them.

I've seen these so-called artists in the field of pressure attempt to work on men like that, and it's like punching a pillow. They think they're making progress, but all they're doing is making a dent in the pillow. They're not changing the format of the person involved or the format of substance involved one iota. They soon wake up, if they're worth their salt, and find this out, and they don't try any farther or anymore.

My test when dealing with men [in the legislature] was simply to find out if they were honest, and if they were to try to persuade them to use their judgment. I never tried to do any arm-twisting or pressure games. My philosophical approach was entirely different.

My experience with Earl Warren is interesting in this respect. I first knew him when I think I was about nine years old. This was when he was a deputy district attorney in Alameda County, and I was with my father at a district attorneys' convention in Yosemite Park. I was with my father and my mother, and we occupied the next cabin to the Warrens. And this was a very pleasant experience. I found Warren to be a very warm and pleasant person to be around.

Of course he liked children; he was always extremely fond of children--always has been. You take a youngster in to him, and he's always just pleased as can be. And he shows it; he shows the child that this is so, and this builds a great rapport with them. He has a capacity to communicate that is remarkable.

Carter: His own family experiences I'm not too familiar with in detail. I know a little about his children. I've met them from time to time, and they were all excellent young people. They appear to have done quite well for themselves, and they all have minds of their own, that's one thing you can say about them. They are very forthright, just like their dad and their mother.

You know, Nina Warren is a very gracious, forthright, lovely woman. There is no chicanery or falseness about her. She's absolutely direct and almost very disarming in this respect. However, she never uses her position to take advantage or anything like that. I've known many people who've known her very well, and they all adore her and are very fond of her.

Fry: Do you mean that she's not politically diplomatic?

Carter: Oh no, I didn't say or mean that. She has great grace and charm. She seems to handle herself with poise and understanding. I've never seen her off-balance, although I'm not so closely acquainted with her that I can speak in depth about her.

I've seen Earl Warren angry at times. I've seen him disturbed. I've seen him in those frames of mind, and he's not a very pleasant person to be around when he's angry. But there are lots of people who are like that. That's a common occurrence among people in public life. When they have difficulties they vent their feelings. He's no different than anyone else in that respect. He says so when he feels--he responds. He's no machine; he's a human being.

Governor Warren's Relationship to Legislature

Fry: About his relationship with the legislature, he was criticized for not taking into his confidence legislators who were trying to carry some of his bills and being so aloof that a number of political writers questioned his strength in the second term election of 1946.

I wondered, since you were one of his chief supporters in this highway bill, if you had found this to be true.

Carter: It wasn't Earl Warren that influenced me for the highway bill; it was the highway bill that I thought was necessary. If Earl Warren had been against the highway bill, I would still have been for it. He didn't attempt to influence me. He was very forthright with me, and I was very forthright with him. That was always my approach with him. I've had other dealings with Earl Warren; they've always been at arms length, and they've always been very straightforward. He never misled me or misinformed me. That's my impression of the man. He's a very honest man who means what he says and says what he means. He doesn't beat around the bush.

Fry: Do you think that if his relations with the legislature was a problem, it was because a number of senators and assemblymen might have expected to be buttered up more?

Carter: Well, maybe that's true. I think that there are all kinds of vanity problems that have to be considered, and there are all kinds of personality situations that have to be examined. I always discarded those as probably signs of the time.

Now I suppose that may be a little superficial. The true politician would have done something to go around and leave no stone unturned to see that every little thing was just right. But I don't think that's possible under the circumstances. California is such a big state. There are so many conflicting interests that if you get into that morass you're lost. If you're going to maintain your sanity, you've got to be honest with yourself--you have to just call it as it is.

Fry: You mean stick to your duties as administrator of a large state?

Carter: Stick to your guns! The facts! You've got to call the shots. You just can't change that.

Fry: Did you know Senator Byrl Salsman?

Carter: Oh, I knew Senator Salsman well, and I have a high regard for him. He's a very prominent, bright, able man. I used to agree--and disagree with Senator Salsman quite a bit. But they were always philosophic disagreements. I never disagreed with him because I felt there was any funny manipulations going on. He was always honest and aboveboard--a straightforward man.

Fry: He was one who said something like he felt he was not enough a member of the governor's inner councils when he was handling Warren's health insurance bill.

Carter: Well that may be. He may have felt a lack of communication, and this is the problem. I don't think this is singular to Warren. I think that every governor who sits in the governor's office has this problem. There is a difficulty in maintaining channels of communication with the legislature. This goes back to that basic problem--that there is just too many things here in California. This is a big state. There are too many diverse interests. You can only spread yourself so far, and if you get yourself spread out too thin, you're not effective. You lose your own capacity to do things--within yourself to begin with, number one and number two, with other people. That is when you start to break down, really.

Carter: Whereas the other thing that we're talking about, that is this lack of communication, certainly is because there is not enough rapport between the legislators and the governor. This is always a difficult proposition.

Fry: Did you notice a difference after Warren became governor? You were in from 1940 on.

II - OTHER ADMINISTRATIONS

Governors Olson and Knight

- Carter: Yes, I was there with [Governor] Olson and I knew him very well. Contrary to most people, I had a high regard for Olson, you know. I thought he was an excellent governor. I also thought Warren was an excellent governor. Those are the two governors I've served under. I knew Goodwin Knight as our lieutenant governor. I only had a sort of semi-evaluation of Goodwin Knight in the sense of his capacity. I thought he was kind of a little bit of a buffoon, really, in many ways.
- Fry: That's the same term someone else has used! [Laughter]
- Carter: Well, I'm not sure that that's accurate. Maybe I ought to eat those words, because he's much sharper and much more able than we gave him credit for being. His attitudes or his public expressions gave rise to a false impression in some minds--one of them being mine at the moment.
- Fry: Well, a lot of liberal Democrats felt that he was quite reactionary before he became governor.
- Carter: Well, he certainly may have been. I don't know too much about his past. You see, we came from widely separated parts of California, and I didn't know that much about Goodwin Knight. All I knew was just a little bit of patter. I really don't give too much credence to that, so I'm not about to rate that very highly one way or another. Now, on the record, I'm inclined to rate him much higher than I originally thought he would be when I knew him as lieutenant governor.

Lieutenant Governor Frederick F. Houser and Attorney General
Frederick N. Howser

Carter: On the other hand, on a comparative basis, I thought Fred Houser, the lieutenant governor (not Fred Howser the attorney general), was an extremely able man. I don't know that his ability has been born out as highly as it appeared to be to me--in later life. Now, this may or may not be an honest evaluation, I just haven't followed his later career that well.

I knew his father when he was a Justice of the Supreme Court of California. The senior Houser was an excellent judge and a fine man, and I had a very high regard for him. Of course, Fred Houser came with high expectations. That is, I expected him to do fine things and great things because of his background. He was a well-educated man, a really blue-ribbon education--I think UCLA and Harvard Law School--and he had an extremely fine scholastic record. He was trained in law, and (as I always put it) while this wasn't essential to being a good legislator, it always helped. I always found him to be an excellent assemblyman when I first knew him--I knew him in the assembly. I thought he was a very, very sound legislator--willing to listen to legitimate arguments and not fuss around about other things. He could be very forthright. I didn't always have him on my side, but I don't think he ever misled me.

Now the other Howser didn't have that capacity. As attorney general he left a great deal to be desired. That may be a little harsh judgment on my part, too, because my memory of him is at the time we had this legislation concerning the tidelands, and I was sent to Washington on a joint committee to represent the legislature. I made this statement to the Senate committee on the restoration of the tidelands to the states. I don't know whether this was in '45 or '47; it was one of those sessions. I remember I was there and the appraisal of the manner in which Howser had argued that case in front of the Supreme Court--the appraisal in Washington, was very, very low. He was given a very poor rating by men who I felt were probably qualified to give an opinion. They just said he had handled himself very poorly. I heard this from others--that he just didn't have it.

III PRESSURE GROUPS IN SACRAMENTO

Artie Samish and Other Lobbyists

Carter: The final and cutting climax was when Artie Samish--his supporter who claimed he hadn't put in the money for his election, and so on--spent one whole afternoon denouncing him to me and saying what a bum he was. I always discounted that, because Artie was probably feeling bad because Fred didn't agree with everything that Artie wanted. I don't know what the background of that was, but I never completely trusted Samish, so I just remembered the conversation and let it go at that. [Laughter]

Fry: This was after the tidelands testimony?

Carter: Oh yes, this was when I went to confer with Samish (with the consent of my steering committee in the 1947 session on the Collier-Burns Highway bill) about my trying to get the ten-mile tax installed in place of the unladen weight fee system that's now being used and which was then in use. That bill would have abolished the gross receipts tax in favor of the ten-mile tax. I always felt the ten-mile tax was a far more fair tax. This is my own personal opinion.

My conferees said very frankly to me, "If Samish won't accept it, you haven't got a chance."

I said, "I understand that, but let's talk to him and see. I don't know what he'll say; I'm not about to predict. But if he tells me he won't accept that, I will not press it."

They were very anxious that I would explore my ideas. But I think they knew in advance what kind of an answer I was going to get because they told me to go ahead, but they didn't think it was going to get me anyplace. [Laughter]

I said, "Well, it won't hurt to try, will it?" In this respect they showed their confidence in me. They turned me loose with Goliath.

Fry: Tell me more about this encounter with Samish.

Carter: Well, it was a meeting that I had called up and made an appointment for with him. The only time I'd ever done it in my eight years in the legislature, when I had a responsibility to some of my fellow senators to carry out this specific proposition.

We very quickly settled that. He told me, "Don't bother me with that because I can't go back to my board of directors with that kind of a change now." He said, "I've got them to agree to the bill and the increase in taxes that the bill carries. Don't ask for this kind of a change."

I said, "If you say so, I won't do it, and I won't even suggest it any further. I want you to know that I'm here and I understand that you could stop it, if you wanted to. He proceeded to complain to me quite a bit about oil companies. One of the choice comments he made was "them and their black money," meaning that he was quite jealous about how much money the oil companies could spend on trying to defeat this legislation.

Then he said, "Say, kid," (he always called me kid whenever he talked to me, which was very seldom) "What are you wasting your time around this legislature for? Why don't you run for a state-wide office?"

I said, "I don't know. I haven't given too much thought to it, but I'm not going to run for the state senate again because I intend to retire and go back into the law business. My youngster is about to start in to school, and I'm not about to be separated from her."

He said, "Well that donkey that's in that office now; he's no good."

Fry: Which office?

Carter: The attorney general's office--Howser. He said, "You know, with the right backing, you could beat him."

Fry: Wow. He was holding out a carrot to you.

Carter: I said, "Yes? Could I?" I said, "Well, maybe I could and maybe I couldn't, but I don't know whether I should be interested in it under these circumstances." I left it at that. Now, I haven't used the exact language he used, because he was a very vulgar man. He swore a lot when he talked about Mr. Howser, and he spoke in very vulgar terms.

The other few times he spoke to me he was also very vulgar. I remember my reaction to this meeting was that I went home and said to my wife, "I think I'll take a shower. I've been talking to Artie Samish." [Laughter]

Fry: When he said he had his board of directors all lined up--

Carter: The Pacific Greyhound Board of Directors is what he was talking about. He represented the Greyhound buses in this situation, and this was a legitimate representation. It was perfectly proper, and I don't mean to say there was anything improper about it.

He was an excellent legislative representative. He was a very smart man, a very sharp, able man, and he knew the legislative practice. But he was completely amoral and was venal as can be.

And, he had a great vanity--terrible overweening vanity. It was the thing that eventually destroyed him, or caused him a great deal of trouble.

Fry: Bragging so much to Lester Velie, the writer of the Collier's article about Samish?

Carter: Well, he had to be out in front. He was a highly vain person; he had to just have his ego fed. The people who worked around him had to feed his vanity or they didn't stay with him very long. That's my impression about the guy.

But, you can't underestimate him. He had great ability and great capacity. I can't say that he ever lied to me. He always laid it right out cold turkey. But he was hard boiled. He was rough.

Fry: Was he implying that if you ran for state office he might support you? He must have held out this sort of thing to a number of legislators who aspired to higher office.

Carter: Well, I didn't buy that. I didn't turn him down flat, but I just said, "Well, I'll have to think about this. I just can't get involved in something that I don't want to--"

Fry: That was no time to tell him that you didn't want his support, I guess.

Carter: Oh, it didn't make any difference on that. He was right, and I knew it didn't affect the bill he was talking about. This would illustrate the kind of man he was. He would seize that opportunity to try to pressure me to do anything.

Fry: Yes, that's pretty artful.

Carter: Well, he is an artful man, and he's a very able one. But very fortunately, whenever I was around him I always saw his plays coming--or most of the time. I shouldn't be that positive because who knows? That man moved in many ways, and he had many people around.

Carter: I often thought-- You know, I used to never willingly and knowingly support legislation that Samish was for unless I was absolutely sure that there were no--well, the way we used to say, no hookers in them--no curves in them, no tricks. But you were always so bothered by whether or not there were some tricks or hookers in them or such.

The people you knew who were men who would carry out his legislative wishes, you always watched them very carefully. At least I did. Some of them were darned able people, and some of them weren't very able. He'd do it any way that the guy wanted it. He'd pay money, or he'd supply the women or the booze, or whatever was necessary to accomplish the objective.

He was, as I say, amoral and completely single-minded to accomplish his objectives. I don't mean to imply that there was a great deal of paying money, because I never saw anything or was ever around any passing of money. I'm not about to make any accusations that men were on the payroll and things like that. I've heard it said, but I know you can't be around as long as I was and not know that there were some people who were under domination of one group or another. And that's about the way the thing lined up. There were darned few independents--strictly independent men in the legislature.

Fry: You were in the legislature before the lobbying legislation, which I think was '49 or so, and--

Carter: I started the first anti-lobbying legislation. I tried to get some more through, but they knocked it over. I mean, I was always attempting to do something in many fields of regulation. I was never silent about it. I believed that this was a field that ought to be regulated. But on the other hand, I never believed that it was a field that should be abolished. In other words, I'm very, very strong in my belief that the right to petition the legislature is basic and fundamental. And I don't know of any better way than to do it through a properly organized group having a professional lobbyist who knows his way around do it for you. This is a technique which, while it may have its weaknesses, also has its great strengths, and it's of great value.

I've seen many, many competent, able, helpful lobbyists in many situations. And the legislator and the general public, too, should be able to make the distinction. But unfortunately, that doesn't occur.

Fry: I think during Samish's heyday he didn't really have to officially register the fact that he was representing certain interests.

Carter: Yes, but you knew who he was representing.

Fry: Could you tell?

Carter: You didn't have to be there more than two or three months and you'd know who he was representing--if you were worth your salt. My goodness! They didn't chart it for you, but you could put two and two together.

Fry: I'd like you to tell us what you can about the lobbyists for oil companies.

Carter: Well, I didn't know them too well. I knew two or three of them, and they were mostly--the men I knew--highly competent men.

Fry: Who were they?

Carter: Well, one was Charlie Stevens for the Standard Oil Company. Charlie and I used to have some hot arguments. He used to say, "Gee, you're wrong as can be."

And I'd say, "Well, Charlie, that's where you and I just happen to disagree."

He was a much older man than I, and he was a very conservative man. He was a lawyer by profession, and he knew his business. He was no bum; he was a very able man.

While he didn't serve very much while I was there, a fellow by the name of Schultz, who was a representative of the Standard Oil Company (or was with the Standard Oil Company) was an extremely able fellow.

You know, those companies hire good men. They're not bums. For instance, one of the finest lobbyists I ever knew was Ed Landalls, of the firm of Landalls and Wiegel, representing the California Bankers Association. If I ever saw two men who were different kinds of men, it's Landalls and Wiegel. Wiegel didn't do any lobbying, but Landalls did it all. He was forthright, and he never misled you. He was very straight. He was just as honest as could be; he took pains to correct it.

And most of the lobbyists I knew were that way. If they made a mistake, they'd come back and say, "Look, I misadvised you." This was their hallmark. Their stock in trade is their word. They're that kind of men. Now, there are those who do mislead once in a while. Once that happens, then you learn to mistrust them, and you don't deal with them on an open basis.

You know, some of them are representing public and semi-public organizations. For instance, Don Cleary of San Francisco--I always considered him to be one of the best professional lobbyists I ever knew--an ex-newspaper man. Just as honest as the day is long, and he never would misinform you. If you said, "What is the true story, now tell me," he'll tell you.

[Tape 1, Side B]

Carter: By and large, the lobbyists of the public organizations were absolutely dependable. [William] McDougall of the County Supervisors' Association, and the various departments of the state government were, I'd say, incorrigibly honest. There were one or two, yes, you had to watch, and they'd play a few games, you know. They thought Samish was kind of smart. Some of these fellows would try to play Samish's game--none of them ever worked.

I never had Samish attempt to lie to me. Samish always would work in other ways. He was a pressure man. He never beat around the bush. And he was very bright. He knew what he was doing, and he was very careful not to misinform because he knew his reputation was at stake.

I'm inclined to think that's one place where people have misjudged Samish--that he was a liar there. I'm not saying that he's an absolutely forthright man. But, certainly on legislative matters, when he made a representation he was extremely careful to be exact and precise.

Fry: It was his pressure techniques, then, that were so questionable?

Carter: Well, that plus his use of money and all that business. He was vicious. In that context, he was so amoral, he didn't have any limitations on what he'd do.

Fry: Before we turned the tape on, you were telling me the difference between the independent oil companies and the big oil companies. You mentioned the big oil company lobbyists, and I have a note on the smaller ones.

Carter: Who?

Fry: The Smith brothers, Jack and Arnholt.

Carter: I don't remember them.

Fry: And Keck, who was Superior Oil--

Carter: I remember Bill Keck as being a pretty bitter man. That's my memory of him.

Fry: I have a note that Keck had boasted once of owning state legislators, and he said that he had bought one for \$25,000.

They wanted Warren to appoint Gordon Garland as director of natural resources with control over oil, and Warren refused.

Carter: I don't know the inside of that at all. I'm not that familiar with it, although there were some problems with Gordon. But Gordon later developed rather well. He went on in the lobbying field and did all right.

I don't know Gordon really. Gordon is an enigma to me. I think there were times when he was perhaps mixed up in some hanky-panky, but I don't know it, so I'm not going to accuse him of it. I won't even repeat a suspicion. You know, back in the Olson administration he and Olson had hot words, and he tore the phone out of the wall. He wouldn't talk to Olson. I never knew Gordon too much that way. He was an assemblyman when I first knew him.

Fry: I remember. A newspaper clipping from our files says that as Warren first took office, the governor named members of his official family to serve in the Department of Motor Vehicles. Gordon Garland, who was named director, and Helen MacGregor and Verne Scoggins, both of whom were secretaries in his office, and Bill Sweigert, who became his chief secretary--

Carter: And Bill, as you know, is presently a federal judge in this district. Bill Sweigert is absolutely forthright. I mean he's just incorrigibly honest. But surely he'd walk the plank for Earl Warren and do what Warren wanted him to at that time.

Fry: This was a holding operation at that time.

Carter: Oh sure.

Fry: You were on a special committee about that time in 1943, a legislative committee to investigate the Department of Motor Vehicles. I just wondered if you knew anything about that?

IV FORESTRY AND WATER LEGISLATION

Forest Practice Act of 1945

Carter: I was on a lot of special committees. I was on a forestry study committee--

Fry: Was that to reorganize the Division of Forestry?

Carter: Yes, Senator George Biggar started that and was the chairman of the committee. Then he was defeated during the course of the committee. So as vice chairman I took over as chairman and finished the committee reports and so forth.

Senator Biggar was no longer around when the matter was concluded, so I had to do all the legislative work, essentially. But he was the father of the idea and he put together the organization. He was very thoughtful and very progressive in this area.

Fry: They really reorganized along the lines of the Maryland plan, as I remember. Is that right?

Carter: Well, I don't remember what state it was, and I don't know that we were--or at least I wasn't doing it in accordance with that.

Fry: Were you aware of the lobbyist for the timber people, Bill--

Carter: Bill Schofield. Oh, I knew Bill very well; knew his brother, who was Dr. Schofield. Bill, I thought, was very able. There's another very forthright man. I mean Bill Schofield is a very honest man, that's one thing you must say. He certainly represents a group of people who have a special interest, and you have to understand that whenever you're dealing with him. He has a specialized point of view, but when you start to question him about what is the fact--what is this, what is that--he will not deviate from honesty. At least I've never found him to. He's a very forthright man.

Fry: He gave us a very forthright interview quite a while ago when we were trying to document the history of forestry in California.

Carter: Well, you'll find him to be a highly reliable person; this is my impression of him.

Fry: You must have worked with him, too, on some of the water resources legislation.

Carter: Well, naturally he was interested in it. Where I first got acquainted with him was in the water stuff. But I always had a hand in forestry, because I came from the forest country. And you know it's impossible to do anything about forestry and forest practices without my people being interested, so I made it my business to find out about it, that's all. I was not snoopy or highly protective. As a matter of fact, I did some things that were a little unpopular at home in order to accomplish what I thought was the overall good. But on the average, I tried to work out workable plans.

My philosophy about government is to get something that works on the ground. I'm a pragmatist about this thing. I think you have certain tools to work with. You take what you have, you put it to work, you see what they are, and you use them. Now, there are a variety of ways this can be done, and you then take the better alternative. That's about the process of reasoning I follow.

Fry: I don't know much about your district, but I would guess that you were always under a certain amount of pressure to alleviate taxes on those forest lands. This seemed to be an issue in those years.

Carter: It never bothered me in the slightest, and I told my timber people they had to pay along with everyone else. I was very brutal with them in that sense. I said, "Look you've got to pay your way, boys." Nobody ever put the twist on my arm in that respect. I must say this about them: they understood my position. As a matter of fact, they were then ready for forest regulation because they were meeting up with the pressures in other areas and they figured if they didn't get behind something themselves, somebody would do it for them.

Fry: The Forest Practice Act in 1945?

Carter: You bet your life. I just sold them on this idea, "You'd better get in on this or else somebody will do it for you. Now, it's that simple." They bought that, and they went along with the idea, and so we then developed this California Plan, which is not a bad plan, really. I think the basic thing is that it's workable in the field.

Fry: I'm trying to remember this. It set up a board to set standards for timber cutting, with representatives from water and timber interests and some others.

Carter: Well, from the land-owner groups, and also from the State Division of Forestry, you know, to represent the public interest in this area.

Fry: Yes, and to inspect timber operations.

Carter: They're supposed to be forthright in this. If they don't do their job, the public interest stands a chance of not being adequately represented. It can break down, and maybe in some places it has broken down. I haven't followed it that closely.

I used to go back and check it to see how it was working--to see whether they were leaving the seed trees, and whether they were not doing clear cutting, and whether they were using selective logging as distinct from the old-style Indian logging, high line and that business.

And, of course, having seen that myself, and come from a background where I've seen the devastation that it can bring, and knowing what a change the caterpillar has brought--

Fry: To encourage selective logging.

Carter: Yes, it has done more to permit harvesting of the forests and still save the forests. Actually, you can go back now to a forest that was cut over twenty years ago and hardly know it's been cut, unless you're a real professional.

Fry: Was your district overwhelmingly timber interests?

Carter: No, we're split between farmers and timber owners and laboring groups. What I had was a mixed district. You see we had, first of all, all the fellows on the Shasta Dam, the construction work people. Then after that it's the lumber workers and the mill workers and the men in the woods--they are industrial workers. While they're logging people and connected with the woods, they are truly a part of an industrial venture.

Fry: Were those men up there organized by the AFL or the CIO?

Carter: I think it's an AFL union. There were some CIO unions up there and they had a big jurisdictional fight, but since the AFL and CIO have gone together, that's disappeared.

Fry: Oh yes, I guess it was the '30s and earlier when they were--

Carlson vs Shasta County; Lawrence Carr, District Attorney

Carter: You know, the case Carlson versus Shasta County came right out of an AFL-CIO jurisdictional fight.

Fry: I don't know that case.

Carter: Well, it went to the Supreme Court of the United States, and it was a big fight. I think the CIO felt they were being discriminated against, and it began up in the Sacramento Canyon on some construction projects. They were out there with axe handles, and so on. And, of course, the sheriff took them in and arrested them.

Fry: This was while you were in the senate, wasn't it?

Carter: Yes, my old friend Lawrence Carr was district attorney then; that's one of the first cases he argued in the Supreme Court. Lawrence is a very capable lawyer, but he argued that case and lost it. There was a claim of peaceful picketing, but if you were on the ground and you saw those axe handles, you'd know it wasn't very peaceful. They talk out of one side of their mouth and act out with the other parts of their body. But then the strife was over and they got some labor peace and it went along all right.

Fry: Did you have to make any public statements or anything during all this?

Carter: No, I never got involved in all that. It happened when we were in session. It never bothered me at all. I always depended on Lawrence to do his job and I'd do mine. I talked to Lawrence Carr about it and said, "Lawrence, you do your job, that's all. Just do it and do it right."

Lawrence Carr is a forthright man, number one, and number two, he is not a hard, set-in-his-ways person on this kind of a proposition--you know, determined that a person's going to go to jail, or anything like that. He's a very tolerant man, and he believes in protecting the right of the underdog. But, he is also a very able prosecutor. When he was district attorney he did his job.

He always said that he knew he'd lost it when Justice Black said to him, "Well, young man," he said, "You argue very eloquently, but I don't know that you can convince us."

He said, "Well, it doesn't look very good for our side, does it?"
[Laughter]

Oh well, you know we sometimes reminisce about our experience. He's had a wonderful, rich experience in that area. I've always had great admiration for Lawrence and for his courage. He never quailed under tough circumstances. There was great pressure in that case.

Carter: You know, he was one of Warren's first secretaries in his governor's office. He finally left to go back into the district attorney's office. As a matter of fact, I was a deputy district attorney when Lawrence first ran for district attorney.

Fry: So that was in the '30s.

Carter: You're right, it was in the '30s, when I was working for the former district attorney. And so I just said to Lawrence, "Well, we're on opposite sides of the fence in this race. You know I can't back down on my boss. I don't mean to say that I have anything against you, Lawrence." (As a matter of fact I was very fond of him personally.) "I'm kind of on the horns of a dilemma. If I had my own personal choice I might do otherwise, but I am bound here by what I deem to be a commitment for the office I'm in. And I think loyalty is important. I think you'd admire me more if I did it that way than if I did it any other way." He said, "Oh, by all means. I certainly understand, and I would not ask you to do anything else."

And he was never pushy or never tried to use our close, personal friendship to accomplish anything in that fairly tough political campaign where he was unseating the man who had some years of experience and who was a pretty good district attorney. This was not a matter of any two bad men, they were both men of capability, and they were just; Lawrence was a young, aggressive man who was rising, and he came along and he was elected. And so he took over.

Fry: He's there now, isn't he?

Carter: He's practicing law in Redding. He's very able. He knows his business, and he's a very forthright man. He still has the same hallmarks; he's always been that way. He is a very courageous man. His brother Jim is the same kind of a fellow; he's an engineer.

Jim Carr and Water Legislation

Fry: Is Jim the one that you worked with on the water legislation?

Carter: Oh yes. Jim Carr is a superb craftsman in the water field. He probably is one of the finest, best educated men in the area of California water, has the best background of anyone here in California.

Fry: You mean in the area of engineering?

Carter: Well, in engineering and administration of water, in this area. You see, he was with the Bureau of Reclamation for a number of years, and then he went up to become the undersecretary of the interior. He was essentially in the water area.

Carter: Then he was the special consultant or assistant to Senator Clair Engle. First of all, he was with him when he was a congressman and chairman of the subcommittee on Irrigation and Reclamation of the House of Representatives. Then Engle, if you know Engle, was a dynamo of activity, and any man who was working under him was busy. And so Jim was a busy man. Clair I knew very well, I was raised with Clair. And of course Jim and Lawrence went to high school with me. Let me see, I think Jim was two years behind me and Lawrence was one year behind me in high school, and Francis and Katherine were in my class. Then Katherine had an illness and had to drop back one year; she was a lovely girl. Francis graduated with me, but he is just a little older.

Francis was never quite as bright as the other two, that is, as Lawrence and James. But he's a bright boy. I don't mean to downgrade Francis one bit by saying that, because I rate Lawrence and Jim as being so superior; that's my knowledge of them.

If we have time, I can talk about that legislation involving the California Flood Control Act which developed into the California Water Resources Act of 1945.

Fry: Would you like to go to lunch?

Carter: In a little while. I think, maybe we might talk more about this highway business a little bit, and then I'll put the finishing touches on that and get back to it.

V MORE ON HIGHWAY LEGISLATION

Highway Improvement Program, 1947; Recruitment by Senator Hatfield to Steer Legislation Through Senate

Fry: All right. I wonder if you'd want to back up to some of the plans for postwar highways, because I don't know if they were related to this or not. But in 1943 there were plans for a two billion dollar construction program for the ten year period following the war. This was all a part of the postwar reconstruction plan. Part of that would be \$1,400,000 to be used for highway improvement--

Carter: That was just a pretty thing that was on paper. This was never a real practical thing. Certainly it was on the boards as a plan, and it's wise to plan, I don't mean to be negative about it. But in my memory it was never that significant, because it wasn't legislation that was going to produce something in the field.

Now this 1947 thing was an entirely different thing. This was going to go into action after the '47 session, and it was going to be the law, and it would change the whole structure. It is now the basic law by which the highway monies are distributed with some minor modifications. But that north-south formula (which has since been changed again) was then 60-40, no it was 55-45.

Fry: Is that the bigger part for the south?

Carter: Yes. Whatever that percentage was, and I don't remember the precise percentage, that was agreed to in February, and it was arrived at by Senator Hatfield. He said, "Well, this is what we will support." I heard him talk about this then.

Fry: Why don't we start right where you entered into this highway picture.

Carter: I was just twiddling my thumbs, so to speak, sitting on the senate floor and Hatfield crooked his finger at me and said, "Come with me, I want to talk to you."

Carter: Whenever George Hatfield did that, you always knew something was in store for you, but I said, "Oh well, it can't hurt me, so what." [Laughter] And I was off on this journey then. I didn't understand what I was getting into, or I would have said, "No, George, go see someone else." Because I sweat blood from there on out.

It was a fantastic effort, and if you wanted to find work--this was a thing that just--it was a never-ending task until the session was over. But it did come to an end, of course, like all things.

Constituency Interest in Highway Construction

Fry: Coming from Shasta County, was your constituency especially interested in highway construction?

Carter: You see, this basically or historically has been an agricultural county. It all depends where you are in the county. There's a small valley area down in the south end of the county. Then there is over in the eastern part of the county the high plateau, the Fall River valley, which is an excellent agricultural area--not too much agricultural land, but what there is is very productive and mostly goes to beef livestock. Now they're raising potatoes and sugar beets as well as livestock. This is the nature of the agriculture, plus the timber that grows on the mountains.

The north Sierras run right through that eastern side of the county and the coast range runs through the western side of the county. These are both covered by timber, and they all have streams running into the Sacramento River off them. These streams are very recreational in their nature, so now the big business in that area is the recreation business. That's always been a potential there; a tremendous potential has been recreation. But for recreation you had to have transportation. For farm-to-market you had to have transportation. Almost the key to everything was transportation. And oh, the other thing that Redding (that's the county seat of Shasta County) had come to be was a transportation and communications center for that area of California. That's where the highways joined. That is, 299 east and west came into north-south Highway 99 right there. And this was, therefore a juncture of the major north, south, east, west highways. I say the major--compared to where you have a big traffic flow it is small potatoes, but it's a--

Fry: But you sure wouldn't take Highway 1 if you wanted to get somewhere fast going north from here.

Carter: No, no; to go north you'd go up Highway old 99 (now Interstate 5), and this goes right on through to the Oregon border.

Carter: Of course, this is what Senator Collier saw very clearly, and to some extent he's kind of sold his soul for it. But he hasn't only done that. He's done a great deal of work over in other parts of his district. Like he got that Highway 97 (is it 97?) from Grants Pass down to Crescent City and on down to Eureka. It's Highway 1 and 101 at times and then it's Highway 101 most of the way. It has to traverse or cross the Klamath River, which is of course a big barrier, and then it has to go on down across Eureka Bay, down into the Eel River Valley (which isn't down much of a valley) on down the Eel River Canyon (or on up the Eel River Canyon), over into the Russian River and then down on into Santa Rosa and into the Bay Area.

There are a very few highways that cross the valley east and west because of the rough terrain. There's one from Red Bluff to Fortuna. (That's what I think is 36 if my memory serves me right, I'm not sure of the numbers now.) It's a lovely old road and has been improved considerably, but it's still rugged in places.

Part of that traversed some of southwestern Shasta County. There's a tip of it that goes through it, and it also touches the southern part of Trinity County. You see I represented the two counties--Shasta and Trinity.

Of course, you see, my family is oriented to Trinity County, because that's where my father was born and raised. So we're not just oriented only to Shasta County. We come from pioneer stock--mountain country back up there--on my father's side. That's the background we see transportation in. We see it as a means to move produce from farm to market, to move commodities to market, like moving lumber, now the logs as well as lumber, and many other things that have to be moved. And now they even truck the livestock--they don't drive the livestock. I can still remember the old livestock drives they used to have over the mountains, but they don't anymore. They just haul them in a truck.

Fry: All these people you're mentioning, like the farmers and the log truck drivers, I can see how they would all scream about the gas tax increase that was soon to come.

Carter: They were willing to pay their fair share.

Fry: Were they at that time? They weren't part of your opposition?

Carter: No, they were willing to pay their way. You have to understand these people. They're very forthright. They say, "You get us the roads and we'll pay our fare."

Fry: The gas tax?

Carter: You bet your life. They were so glad to get the roads they didn't quarrel about paying the tax.

Fry: You didn't have this worry then about traffic jams in your district?

Carter: Oh no, I never had to worry about that. I suppose now we're having some traffic congestions in and around Redding and Anderson, the two incorporated cities of Shasta County; they're only eleven miles apart. Well, there could be some traffic congestion in there, but without the freeways there would be worse congestion--much worse. So I don't know what other answers there are.

You know this bugaboo of the traffic jam and the smog was raised. If you're concentrating all these cars in a small area, you're going to have a smog problem. It was pointed out to us.

Fry: I thought we didn't know what caused smog then.

Carter: Well, we knew something generally about it, that car exhaust was a potential for it at least. It was said, "Well, you got to think about this." At least this is not new to me, and I always said that it was a problem that we had to deal with as it arose--

[interview interrupted by telephone call]

Fry: I can see your position in this now. I think that's clear, and now we can go ahead on--

Carter: Yes. It was a natural that I would fall for this--that I would be into this situation because it was made for my country. It was something that we needed and needed badly. Anytime that you have that need, why you're going to have a legislative representative striving to try to accomplish that. This is what I call representative government working at its proper way.

I always gave great consideration to the question of balancing this question of local representation versus what it meant to the state as a whole. But I could never see any real conflict in this problem. All I could see was that this was essentially a sound proposition, and therefore, as they say now, "All signals were go."

Fry: And there had been a postponement, because of the war on any highway development.

VI CHRISTMAS TREE BILL, 1945

Appropriations to Local Governments for Improvements

Carter: Exactly, and it was a build-up.

And also I had had the preliminary of being through this thing with Warren--the proposal which was passed over his opposition, the so called Christmas Tree Bill--

Fry: Oh yes, what was that?

Carter: This was either '43 or '45--I think it was 1945.* We passed on \$90,000,000 to cities and counties and school districts for streets, highways, and those kinds of things--public schools in the counties, and streets or sewers in the cities. Most of the cities used the money for sewage disposal and outfall sewers and a whole renovation of the sewage system. It was allocated to the various counties on a formula. At Hatfield's direction, I then proceeded to--it wasn't my legislation, but--I proceeded to present to the senate and argue for it.

Fry: Oh, you did.

Carter: Oh sure. That's where he developed confidence in me; he discovered I could handle myself. He knew I had the capacity, so that was the background of our first experience. He said, "Well, why don't you do this for me?"

And I said, to him, "Okay, George, what do you want me to do?"

So it was a very beneficial experience. That \$90,000,000 bill had a little interesting byplay. You know, Warren's people were arguing that we were going to put the state into bankruptcy. He was

*Vetoed by Governor Warren, then passed over his veto in 1946.

Carter: very hostile to this, because he saw this bill as just cutting into the reserves. We actually took a great calculated risk on that \$90,000,000, but we took it and we were right, but we could have been wrong. In this day and age with sliding incomes and tax situations it would be an entirely different situation.

I remember in 1945 we had three different agencies in the state make an estimate for us as to how much the estimated surplus of the state would be by the end of that fiscal year. We asked for the estimate in February and we got the reply in March.

Fry: Which agencies?

Carter: We asked the state treasurer, we asked the legislative auditor, and we asked the state controller. Of the three, I think one said we'd have a \$30,000,000 surplus, one said we'd have an \$80,000,000 surplus, and the other said we'd have a \$100,000,000 surplus. That I remember.

The highest one missed by \$100,000,000. We had over \$200,000,000 surplus. This was making a six month forecast. This is how fantastic our income was at that time.

Fry: Because of the growth of the state and--

Carter: The sales tax--military buying, and all that business. The shot in the arm that came from the construction plants and all this business that we had out here, the shipyards, and all that. These people who got wages were buying things in the markets and so on, and they all paid sales tax. Nobody had ever properly estimated this or had any capacity to estimate it, and everyone missed it. They were all too conservative.

Bill Passes Into Law Over Governor Warren's Veto

[Tape 2, Side A]

Carter: But dire predictions were made that we were going to bankrupt the state if we did this, and it was stealing the state's money to give to the cities and the counties for this purpose, and so on. I never could understand the philosophy. I thought it was quite selfish, to put it bluntly and simply, that the state officials would take this position. When I still mention it to Bill Sweigert he gets a little red-necked about it; they were quite angry. The governor vetoed it and we passed it over his veto, and the assembly passed it over his veto.

Fry: Judging from the newspaper stories and pronouncements from Warren's office on this, he must have gone to the general public to ask them to help keep the reserve intact. So that you had to contend with a lot of pressures from Earl Warren within each senator's district, I guess.

Carter: Oh yes, sure, this was where the feedback was. "Well, you're going to break the state," and so on. As I say, we made a calculation here based on these estimates, and we underestimated.

Nobody said anything about that afterwards, about how we'd missed it. None of these smart reporters who were criticizing us ever came back and said, "The man who made this decision had sound judgment," and so forth.

I've often wanted to twist their tail just a little bit on that one as to the editorial comments and the legitimacy of it, "What about the errors that you people make?"

But that is one graphic example that I have in my mind.

Fry: Well, did you get the Christmas Tree bill passed just with your own eloquence or--?

Carter: No, Hatfield organized this. Look, let me tell you my personal impression. I never felt so concerned up to that time about anything in my life, because I knew that I had thirty-five solid votes when I started to talk, and I couldn't lose them if I wanted to. If I lost my voice and spit out my tongue and couldn't say a word, I still had thirty-five votes in the senate that they couldn't have unhitched if it was the last vote. These men had committed themselves, and I knew they were going to stick. They were not going to run the other way. This was one place that they had made up their minds that they were going to stand. This was amazing.

Fry: Had you talked to them personally?

Carter: Well, I'd sat in on these meetings, and we'd had these neck and neck, toe-to-toe conferences with the governor. He was red-faced and red-necked and really quite angry about it, but we were very direct and equally determined in our own position. It was an absolute direct, head-on conflict.

I remember one time later, he kind of shook his head and he said, "You fellows kind of taught me a lesson on that \$90,000,000 bill." [Laughter] He was kind of shaking his head and laughing. He said, "If you fellows have your minds made up, you're going to do it, I guess."

Carter: I said, "Well, look, governor, we weren't doing it because we were mad at you, that wasn't the point at all. We thought we had an objective, or at least I thought we had one or I wouldn't have been there. It's just that simple."

This is the way I resolved my legislative positions. If I was with them, I was with them because I thought they were on the right side. If they were on the wrong side, I would have stood there alone. That wouldn't have bothered me in the slightest. Not because it's popular; I like to be popular, but that didn't motivate my decision. My decision was made because a senator has to make a rational judgment. It seems to me that's the way it ought to be done, and I try to do it that way.

Fry: And the governor's office had made a "right" decision, too, and they weren't about to bow down.

Carter: No, and they were equally tough and hardboiled about it.

Fry: Warren had promised you he would veto it?

Carter: And he did, we passed it through his veto.

Fry: How many votes did it take to pass through?

Carter: It took twenty-seven in the senate initially, and we had them all there, and I knew I had thirty-five votes wired on the original passage. I don't remember how many it took to pass it over the governor's veto. You know, you may lose some there, and that's because some men just don't like to vote against a governor's veto. I don't understand this philosophy, but some men don't as a matter of policy. I've never argued with it, but I usually vote to sustain the governor's veto because I generally agree with him. In nine out of ten of his vetoes I sustained his veto.

There was a Samish bill, I remember. Samish tried to get me to change my vote on his bill. I said, "Look, I haven't been here very long yet, but I don't want to wreck everything. I hope I'm going to be here for a little while, I don't want to ruin everything, so just leave me alone." That was the attitude I took with him, "Don't try to-- you'll have to get your vote someplace else. It's not for me."

He was adopting the line, "Well, I'm in an embarrassing situation, won't you help me out? One of my votes (and he only needed one vote) is in the hospital sick, and the other's out chasing some women. Now you wouldn't want me to have to interrupt his happy event, or you wouldn't want me to have to bring this guy up from the hospital."

I said, "You can do what you want, but I don't see how I can change." I just left it that way. But this is how brazen the man is. He didn't make any bones about it.

Fry: What was Samish's position on the Christmas Tree bill?

Carter: He didn't get mixed up in it as far as I know, and I never had a conference with him about it. Certainly he didn't oppose it. When I say "certainly," I don't mean--

Fry: I can't think off the top of my head how it would relate to his interests.

Carter: I think that this was the kind of a thing that he would sense. You see, he was a very bright man. He would sense very clearly the deep feelings that are running here, and he would get on the side of the legislature. Because, you see, this is where his bread and butter is, and this is where he would curry his favor, right here. He would get right at it and say, "All right boys, I'm with you all the way," if he had no special interest in it. "My people will stay hitched, I won't fool you. Just don't look at me when it happens." That's all he would say.

Fry: Did Warren call a lot of meetings with people supporting this Christmas Tree bill?

Carter: Oh no, there were only one or two, but I can remember two of them.
[Laughter]

Fry: He had called the leadership in to talk to you, is that it, and have a direct confrontation?

Carter: Yes, that's the way we had it. You couldn't convince him. When he had his mind made up you couldn't convince him, and he had his mind made up. I always took the position that you don't try to argue with him from then on out. He's got his mind made up, so don't bother him.

Some of the other fellows were intent on convincing him. Now maybe that can be done and maybe it can't.

Fry: Was this a meeting he had called, or one that Hatfield or someone else had called?

Carter: I don't know how it developed, really. I just got in on it because I was acting for a group that was supporting the bill. I had committed myself to Hatfield to support it, which I very seldom did. You know, I didn't always support what Hatfield wanted, but this was one of the first ones that he was interested in that I got mixed up in.

He said, "Look, I want you to work on this." That's when I was very reluctant to get started, but once I got started, then I was in it up to my neck.

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Hatfield Requests Assistance

Fry: And on the basis of that great success, Hatfield asked you to help with the highway bill the next session?

Carter: Well then, he just crooked his finger and said, "Come with me," and so we went. He said, "Oliver, this highway bill bothers me." That's the way he starts out. You know when he had a problem, he was always telling me what his problems are. He says, "You know, I don't have anybody who's capable of making an adequate presentation. I need a good lawyer and you're one of the few that I know around here." He was buttering me up, I know, but he said, "You're not the only one, but you've got talent, and if you put your mind to it and work at it you can help us."

"Well," I said, "what is it you have in mind? I don't know anything about this legislation. I haven't been on this committee. I don't know where you started, what it's all about. I do know a little bit about the background. Heck, I've been around, I've talked to you about it, I've talked to others. I've talked to Randy Collier. I've talked to some of the people. But I'm not that familiar, I'm just kind of a bystander. If you really want to talk about it to a well-informed man, here is Randy."

Fry: This was at the point Collier had studied it?

Carter: They had already completed their study, and they were still maintaining a staff action to continue studies of any points the legislators would want to develop in support of the legislation. But this is entirely different from the investigation into the background, and so on. All the background studies had been completed, and they had all that information. They had been all over the state and had heard testimony from various people and had gone through more or less a full dress proposition. This was rather well done, I thought. They had scheduled all their hearings.

Carter: I knew that if George had something to do with it-- He was a very consummate lawyer, and he knew his business. He knew how to organize; he was a superb organizer. This was kind of old hat to him. He's been there before. He was lieutenant governor, he was ex-United States attorney, and he's a man of judgment and experience.

I just said, "Well, here's a man who has forgotten more than I'll ever know." He was a lot brighter than many people ever gave him credit for. He was a very, very cogent man.

Involvement in Labor Legislation

Carter: So I said, "Well, all right, George, but I've got an awful heavy program." This was when I had that labor program. I had agreed with Neil Haggerty to work on some of this labor legislation that we knew was coming. Since Shelley was gone, they were looking to me to be their spokesman if they had to have one. They didn't have anyone on the floor, they were kind of tongue-tied, so to speak.

I had said, "Okay, Neil, I'm not really a true labor man, although I don't hesitate to say that I philosophically believe in your cause. And when I say that I mean it really; I'm not just batting the breeze, I think I know what I mean. If you want to get down into the technical side of the labor movement, I haven't had that good an education. But maybe with the help of yourself and Charley Scully you can get me over the humps and tell me some of the nicer points in it, and I could then demonstrate that in argument about the bills. But we'll have to meet with that if we come to it."

Fry: Well at this point we probably should insert that you did have almost a perfect labor record in your voting record, according to the state AFL annual reports.

Carter: That's really kind of a quid pro quo, because I really put out for them, and they were working for this legislation. We did a fairly good, workmanlike job. Haggerty is just a superb and able representative. He knows his business, and he's a very responsible man. He's not the normal, big mouth, labor man. He's a very, very able guy. And Shelley is a very competent man. Both of these men knew their business, and, frankly, what I know about the techniques of handling labor I know from Shelley and Haggerty.

Fry: Had Shelley retired from--

Carter: Oh yes, he ran for lieutenant governor and got defeated in '46. He wasn't there in '47. He was in that '46 debacle with Kenny. It was awful.

Carter: But coming back to the highway thing, I got involved in that. I was saying I was reluctant to get in it because I had the labor bill. And there was something I had to go to Washington on that I had told George I had to leave some time out to do. I forget what it was. It had to do with senate business; it wasn't my own business. I said, "George, I've got to live in the meantime." I didn't mean by that dollars and cents, but I meant I had to have time to get with my family. I had to get home once in a while. But during the sessions, my wife and my child would be down there with me, because my child was not yet old enough to go to school. We had her in a nursery school that was right across from the legislature, so that was a godsend. That was the way we managed that.

Well, in any event I worked that out, so Hatfield eventually just-- [Interruption] After he told me this background a little bit and told me what he wanted to do, he said, "I want you to go with me. I have some conferences tonight and I want you to sit in on them."

This is how quick things happen. I mean I didn't even have time to get my feet warm. I didn't get to read anything or do anything. He just said, "Come with me."

Meeting with Legislative Representatives Concerned with Highway Bill

Carter: I went with him to the Senator Hotel that night. It wasn't anything clandestine, but he had made these appointments with a whole group of legislative representatives of the various groups of people, like the trucking people (and they were broken down into the draying people and bussing people). He also had (and each one was separate) the oil people, and I remember Peterson was there. Who was Peterson representing? One of the oil groups. Then he had the representatives of the cities: there was Dick Graves of the League of California Cities; Fred McDougal; and Bud Carpenter, who was their attorney and a very able man. Bud is a bright guy. He later moved up in organizations, and he's a fine mind.

Richard Graves, who was at one time a Democratic candidate for governor and also a very bright, sharp guy, was a real political scientist.

Fry: Yes, I think he was here at the university in public administration.

Carter: Yes, he's an excellent administrator, and he did a magnificent job for the League of Cities. We didn't always agree, again. I used to always haggle with him head on. We used to have some real battles, but--

Fry: Well at this point you and he must have been getting along famously because of your joint success in the passage of the Christmas Tree bill.

Carter: Well, we always got along all right, but we also disagreed on a number of things. He couldn't abide some of the labor things or some of the firemen's things. [Laughter] I used to drive him crazy with my firemen's legislation. The League of Cities was just screaming.

Fry: Bills for more benefits?

Carter: For firemen, yes. And so he would always get me about that, and I said, "Now, let's not let that interfere with what we've got here."

And then we had--well I'm sure we talked with Charlie Stevens from Standard Oil.

Fry: Oh, what about Harold Morton?

Carter: Oh! And Harold Morton-- I don't think a representative of the California Division of Highways, was there. We didn't talk to the Division of Highways because George knew what the Division of Highways wanted by then, and he really had all the highway stuff in mind as a basis for talking. He also had had prior discussions with the League of California Cities and county supervisors, so he had done that. He knew where he was going with them, and they had an understanding.

The cities and counties had basically agreed upon a division of their share, so the formula was worked out, and when anybody tried to change that formula they got their head bit off. [Laughter]

Fry: They didn't want to get into that again, I bet.

Carter: Oh no, we made that stick. So there were a few things that were sacrosanct. The north-south split, the city split, and what else? I don't think there was anything else that was that sacrosanct, but those two were just absolutely untouchable. And Hatfield talked about the tax phases of it. He talked about highway changes, you know the routes, how the system would be expanded.

There was one other field here that was of great concern that I wanted to talk about. There were three basic areas here. Oh yes, they had to explain all this business of the increase and the unladen weight fees; this was of vital interest to the truck people. The unladen weight fees was where their bread and butter was, there and the gross receipts tax. Of course the trucking people were always the non-proprietary truck people, the public truck people. The common carrier truck people were always anxious to get the gross-receipt tax repealed, because it only applies to them. In my opinion the three percent gross receipts tax is a rank discrimination against the common carrier. This is what the ten-mile tax, in my opinion, would equalize. I agree that it's my own view that it does that, but they never would buy that. They stayed with that darned old gross receipts tax. This is a very complicated formula by which this is done.

Carter: Hatfield had a whole vat of facts at his fingertips--right there. It was the most amazing demonstration of a grasp of detailed facts I believe I've ever seen in my life. And he had them right there, the first night that we talked about it. He talked about it in detailed terms.

Fry: Without reading notes?

Carter: He didn't have to read anything. He just rattled it off. He knew just what he wanted, and he said what he wanted, and he never batted an eye. It was an amazing demonstration of having assembled all that information in his head. He knew what it was. He was a walking library--that's all he was, and you know, he never forgot it. He was an amazing person in that way. You start to probe him, and the old mind just went click, click, click, and the computer would come out just the way he put it in.

Fry: Was anything definitely accomplished there at the meeting to move--

Carter: The basic thing that was accomplished was, as I remember it, the fundamentals of the bill that later came out. After all of the arguments and all of the attempts to change it were discussed and agreed upon, it didn't change hardly one iota. In fact, I was going to say "one iota," because my memory is that it didn't change one jock and one tittle. But I know--

Fry: But there were a lot of amendments.

Carter: Well, I know, but those amendments merely attempted to carry out the basic purposes. Those were all mechanical amendments. They didn't change the fundamentals.

Fry: I see.

Carter: I remember I was a walking bag of amendments. I think I had something like 18 or 19 of them that could be used in varying combinations. In the event any one segment did this, I was to do that. It was a whole complicated system, and I had countermoves that we had worked out.

Do you think it's wise now to discuss the organization that was set up among the senate group?

Mechanics of Shepherding Highway Bill Through Senate

Fry: That committee of five senators, is that it?

Carter: Well, not only of five, but about fifteen. First of all, there was a rough organization of about fifteen. There was a steering committee of five from that organization.

Fry: Sure, I would like to know who they are.

Carter: Out of the forty members of the senate, we were speaking for a good fifteen or seventeen of them. I can try to remember who all those men were, although I'm not absolutely sure.

Fry: Well, just to give us an idea.

Carter: Well, let me try to iron this out and see if I can start. Senator [Randolph] Collier was in it because this was his legislation. He was the chairman of the committee. But my understanding of Collier's position was that while he was the figurehead or the chairman of the committee and a meaningful person in the discussions and so on, he was by no means the controlling person. He had his views, and a couple of times he was, I thought, very properly overruled by a substantial majority of the members because they just simply disagreed with him.

Fry: These are members of the steering committee?

Carter: Well, not only the steering committee, but then of the whole group. We discussed these problems so that we could get the sense of dimension that we had here. The larger organization was a thoroughly loose organization, but it was an organization. It did not have the formalities except that we met about once a week after the constitutional recess. We started before the constitutional recess, right after this meeting that Senator Hatfield had set up. We had a big meeting at which we got most everyone who we thought would be interested, among which were Hatfield and [Ben] Hulse from Imperial, Senator Collier and myself.

Senator Charlie Brown from Shoshone and Inyo Counties was the fifth man on the committee. While Charlie didn't speak much, he was right there with us, in that. We called him Charlie. He was an old Georgian, but he was a very firm guy and he knew what he was doing. He came from the supervisors' association background. He was an ex-county supervisor before he came to the legislature, so he knew his way around. I think that was his main reason for being up where he was--to give the supervisors' association some semblance of having representation.

Carter: I think perhaps the League of California Cities depended more on Hatfield, Collier and myself, and perhaps Hulse, in their views. They looked at me both ways, I'm sure. That is, they had confidence in my integrity and they knew I believed in this legislation, but they didn't always agree with my judgment. But they knew I'd say it as I thought it. And, that's the way it was. It was that kind of an understanding, so it was open and without any reservations, and I think that was adequate.

They kept in quite close touch with Senator Hatfield, but I think Mr. Graves and the men who were around understood the relationship that Hatfield had. While not spoken, it was understood that Senator Hatfield was in fact the main moving party in this, although he never would assume any formal leadership. He never sat in any chair of leadership, but he was, in fact, the driving force. This is my memory of it. He always put some other person there out in front to sit as chairman, and he would then direct the person, or prep him, or see that he understood what the score was. He was a very competent man.

Those were the basic steering committee members and then they had Senator Roy Cunningham from Kings County, Senator Frank Mixter from Tulare County, I think Senator [Jess R.] Dorsey from Kern County was in and out of this thing. Jess was the kind of--(by the way, he was my office mate so I knew him quite well)--

Fry: So you could keep him informed--

Carter: But Jess is a pretty independent fellow and had been in the assembly back in 1913 or 1903, very early, and then he had come back to the senate later. He was a fine old man and an ex-district attorney of Kern County, so he had some background. He was a very deliberate man and sort of ponderous and slow, but he was very competent and knew what he was doing.

Then Senator Tom McCormack of Solano County, while he was not active and didn't take any leadership, went along. The same is true of Senator Bill Rich of Marysville--Yuba County and I think Sutter County as well. Rich was another very hard shell independent, but he also understood graphics here, and he fought the transportation thing. Although Bill's main field here, as I remember it, was more in the finance side of it. He was chairman of the finance committee, and he was not about to--although I don't know if he was still chairman at that time.

Fry: Was there any tie up between other bills that were also there, like the one for the direct route to Marysville?

Carter: Well certainly there were a great number of different bills by different senators in this area. I don't remember how that got--

Fry: Somehow that one had more spotlight than any of the others.

Carter: Well, it certainly could have, and I'm not about to second guess it. All I remember about it is it was a subject of discussion, that the people who supported it were very graphic and articulate about it, and we let them pack their own mail, so to speak. There was no opposition.

You see, the way we operated was to allow those people to develop their own areas of influence or their own areas of activity in this limited area. But they had to stay within their sphere of activity. If they got over and started to interfere with the general administration or the general taxation, or the general allocations of the bill, then they got snapped at--they got told real quick where they were in error, because we were very careful to protect the basics again. And I speak of those basics because they go right to the fundamentals of the bill to--

Fry: That's the sacrosanct areas that we were talking about?

Carter: Well, there were two areas that I've always called sacrosanct. Maybe that's a bad phraseology, but it is an area in which you didn't allow any challenges and you had everybody back you. It was a case where either you joined or you were on the outside. So, you either belonged or you didn't. The fellows who didn't had a right to oppose it, but they weren't given too much opportunity to make any meaningful changes. They could present their amendments, but they were voted on on the floor and voted down.

As a policy consideration, all of these different mechanics and techniques were discussed in these luncheon meetings we'd have once a week. One of my tasks was to have the people who were working under my general supervision and direction who knew their business (essentially the cities' and counties' lobbyists, State Department of Motor Vehicles legislative people and their legal staffs) combine to lay out what was coming up the next week on calendars and before various committees and which committees. I wasn't always at every one of those committee meetings; some I appeared before and made presentations if the matter was deemed important enough. Or, if I couldn't be there, then someone else was there. If it became a matter of any great importance, then I conferred with the staff and I worked with the detail and I made the presentation, whatever that may be.

Then there were a number of those things in which we had a great deal of detailed information, detail that has now slipped my mind because there was a vast, fantastic mass of it. I was just a walking pool of information under those circumstances on this particular type of thing and in every area because I had to just tool up on it and become well-read, as well as to talk to the informed people in the area. This was a means of communication, and I just sat down and went

Carter: through all that and took the time to do it. Sometimes these conferences got through at midnight or two or three in the morning. We'd go at that kind of a thing and we'd just keep working at it until it was covered.

Fry: So it wasn't all just those noon luncheon meetings. You met in--

Carter: No, no, those were the hard-work sessions of preparing me to do things. The noon luncheon meetings, while they were important and they were done on a weekly basis, they were merely to bring the rest of the senators up-to-date--to communicate with them about what was going on from week to week on a weekly basis. They were busy men in other areas of activity, and this was something that they were brought up-to-date on, and each person had different areas of activity to report on.

I remember Senator Hulse was the main person on the taxation side. He always handled that, and he handled it very well. He had had the experience of being on the Board of Supervisors of Imperial County, and while he was not an extremely fluent man, he could express himself quite well under those circumstances. He had no legal training, but he knew how to properly carry out his function and to explain something and explain it well. He was a little terse, but maybe that's good. (I think maybe lawyers are apt to be a little more wordy than the other types of personalities.)

His other business was as a farmer. He had a good farm, and he also had experience in local government--in school districts and Board of Supervisors meetings for some period of time, so he knew all about local government, and he knew a bit about the local tax structure. He had to get in and dig on that, so he always related a state tax problem back to the local tax structure. He understood this very well and he was able to relate it in dollars and cents. He was a very sharp and able man in that respect.

So, it was this kind of combination in which Senator Hatfield really sat as a super person over the whole thing, one who would fill in on a problem where he thought we were deficient. He wasn't a wordy person either. He was very direct, very informative, and he knew what he was talking about. He was highly skilled, and he didn't waste our time--I'll put it that way.

Fry: He must have learned by that time to work within the time limits.

Carter: Well, this was a thing, but he would take the time that was necessary. He knew what had to be done. If we just had to hold those fellows over, we would hold them over for a period of time.

Fry: It still isn't clear to me how you avoided getting hopelessly ensnared on conflicting regional interests of routing the projected freeways. Was this simply kept separate?

Carter: No, I don't remember that now too specifically and clearly, but what little memory I do have is that I think Senator Hatfield handled that, and I think Senator Collier was more familiar with the detail of this. They simply went back to their committee report on this as to the background and statistics they had from the highway people. With some minor modifications, they were adopting the highway department's basic philosophy as a means of approach.

This was Charlie Purcell and George McCoy. While they weren't at our meetings, these men had talked to them and understood what their positions were, and we had the benefit (or I had the benefit) from a legal point of view of C.R. Montgomery, who was the chief counsel of the Division of Highways. So I understood the legal implications of what was done, and I was able to discuss that.

So between us (of course Senator Hatfield was way ahead of me on that, he saw that long before I did) eventually I got that squared away so that I understood it quite well.

Legislative Staff Personnel

[Tape 2, Side B)

Carter: Francis Carr was an executive secretary of Collier's special committee;* the staff was still in existence to assist the legislature, particularly the senate (and the assembly to the extent that the assembly was interested), in any special studies or any special information that was necessary about the legislation. They were also an assembling agency--this was one of the functions they performed--and they were very good at it. Richard Zettel was the tax man. He was a very able man and he was most helpful.

Their relationship was with the legislature. So they could sit with us because they were our employees. That distinguishes them from these lobbyists from other agencies. We didn't allow lobbyists to sit at these conferences and tell us what to do or how to do it. We had private conferences or separate conferences with lobbying groups or with the so called special groups. We worked very consistently with the League of California Cities and the County Supervisors' Association of California and with the state highway department. While there is a distinction between the league of cities or the supervisors' association

*The joint transportation committee

Carter: and the state highway department, in this context they're all in the same bag in that they were really outside the legislature and were influencing agencies, whereas the committee people were inside. They were more or less our people, and we depended on them to not misinform us or to mislead us in any way. That was generally a pretty good assumption. So our operation had that kind of a distinction, although I'm trying to remember if at any luncheon we ever had those people--

Fry: Any of your third house--the lobbyists--

Carter: Well, they're called third-house people, but these are public agency third-house people as distinguished from private business third-house people. To that extent there might be some difference in approach, but we were, I think, extremely careful to separate the legislative interest from the joint non-legislative interest. We operated among ourselves without them. Not that we kept things secret from them, but we operated privately because we were dealing among ourselves. We were exchanging our own private ideas, and this was for us and not for them. This is the way I always treated it, and I think everyone else did.

I should go on and say who else was on that big group I talked about. I think I ended up with Cunningham and Mixter, didn't I?

Fry: You had those two and Hatfield, Hulse, Brown, who were on the smaller group, too, I guess.

Carter: They were on the steering committee.

Fry: Oh, McCormack and Rich.

Carter: Yes, because they fall into a general pattern.

Senator Thomas F. Keating

Carter: Then we had others I can name, like, Senator [Thomas F.] Keating from Marin. Now he's right outside of San Francisco and he's semi-metropolitan, but he also had considerable rural background. We did make those kinds of distinctions. He was on our side, so we accepted him. For whatever it was worth he was on our team, and he was in all our conferences. He was a very able, competent, and good man. He's not a superior court judge in Marin County, and a very bright guy.

His father had been sheriff of Marin County, and he had been a state senator for a number of years. While he was a quiet man and didn't do a lot of talking, (Yet he was a legal practitioner, and this is very interesting about lawyers, some talk and some don't. He was one of the nontalkers.) when he did speak he was a very sharp, talented, and capable man, and he knew what he was doing.

Carter: I don't think we used him as much as we should have. He had more talent than we used. I regret to say that, because I always had-- and I think Senator Hatfield had--a very high evaluation of him. He was an excellent lawyer.

But now that I look back on it I think we wasted some talent and let it get away. Had we drafted it and put it to work, we would have had a source of talent that was of great value. But that's more or less--

Fry: I'm trying to place him. Was he the one that--

Carter: He was interested in prison reform, this is one of the things that I worked with--

Fry: Oh, the Keating-Carter bill.

Carter: Yes, yes. Tom was a great friend of Warden Duffy's and coming from Marin County, San Quentin was in his county, and his father was the sheriff there. So he knew quite a bit about this background; he was no neophyte in this area. He had some definite ideas about it and was very progressive-minded in rehabilitation. He was not negative about it; he was very positive. I always admired and respected him for that; but not only that, he was an excellent and well-trained lawyer. He was a partner of Carlos Freitas who was on the state superior court and board of governors of the state bar, and he's not Johnny-come-lately in the profession. So these are good people we're talking about in that respect.

Other Senators Supporting Highway Bill

Carter: Then, if I want to go on up the coast, all the north coast senators were in the group. And there weren't too many of them. There was Senator Burt Busch, the brother of Jim Busch, from Lake County and Mendocino County.

Fry: Would you like to just look at this? [Referring to list of senators] I think this takes you up the coast, doesn't it?

Carter: The man from down that way was Fred Weybret and he was in the group-- not too active. He was from around Summerdale. He succeeded Tickle as the state senator. Tickle was from Carmel. He's an old retired Englishman and a very fine man.

Then Senator Quinn from Eureka was in it and so was Collier. Collier is from Yreka, Siskiyou and Del Norte, that was then Siskiyou-- now it's a much bigger district. Quinn was from Humbolt, Tom Quinn, it was.

Carter: And then going down the coast, let's see, there would have been--Oh! one of the very strong moving men who was a fine man was Senator Chris Jespersen from San Luis Obispo. He was a fine man and really a superb legislator, a very liberal Republican and a very forthright man.

Fry: I think he was the one who got as many gold stars as you did from the AFL. [Laughter]

Carter: He had more gold stars, though, all the way around. Not from the AFL, but I mean his whole legislative attitude. He was a great man. He was a fine man.

Fry: He's a Republican?

Carter: Oh yes, and a fine one. He's a real liberal. You put the nickel in the slot, and it comes out the same every time. He gives you a response.

Well, let me go on down there and see who else was there. Ralph Cloyed wasn't in it, nor was [Ralph E.] Swing. Jim McBride from Ventura was. Howard Williams--

Fry: Where's he from?

Carter: J. Howard Williams is from Porterville. He succeeded Mixter. I think Clarence Ward from Santa Barbara was in it, also.

Roy Cunningham (they call him Robert, we called him Roy--Robert Roy, I see it is) and Jesse Mayo from Angel's Camp, Calaveras County was also in it. Here's a picture of Fred Weybret. Oh, Hugh Donnelly from Turlock, Stanislaus County was in it. Now, I don't think Harry Parkman from San Mateo was in, although that may be debatable.

Then Ray Judah [H.R.] was in, according to my memory. My memory is that Brad Crittenden of Stockton was not in, but I'm not positive of that, although my memory is that he did not belong to this group. He's just an old-timer who's just--not that he was opposed to us, but he just didn't choose to join, let's put it that way. He was a very independent fellow and a fine man, but he didn't--

Fry: You mean he didn't really have the urge for any strong action on this issue?

Carter: No, he wasn't opposed to the bill, and he didn't take a negative position, but neither did he take a positive position nor did he join in the committee work. He just refused to get involved in this--in the work or the machinations, so to speak, that were involved here, if there were machinations, or to the extent there were.

Carter: Bill Desmond [Earl D.] of Sacramento. I think he took a little stand-off position (he was from Sacramento County). Again, it was a matter of his own private views. It may have been because of his connection with the lobbyists, but I'm not sure of that, because he was a careful independent. He was a lawyer there in Sacramento. He knew what he was doing. He wasn't a bum or anything like that, but he was in a populous county, and he was a little reluctant to join with us so called cow-county guys. He was not unsympathetic altogether.

I don't think Byrl Salsman joined us in this. Was Byrl still there? Yes, he succeeded John Thompson--or Jack Foley [John D.]. No, he succeeded Jack Foley and John Thompson succeeded him.

I don't think Luther Gibson was yet there. The man who was-- Oh yes, that's where Tom McCormack was from--Solano.

Jerry O'Gara was not in; neither was he out, in a sense. He was a San Francisco representative, and the big city people just didn't say yes or no. I don't think they formed a separate organization; they just didn't--

The same is true of Arthur Breed, although Breed was pretty much for the highway picture.

Fry: He was?

Carter: Yes as an old-- You know he and his dad were very active with the California State Automobile Association. So this is not a Johnny-come-lately proposition.

I don't know whether Red Tauzer from Sonoma or Presley Abshire or Herb Slater was there. I don't know just when Herb Slater died, but any one of the three were with us, whoever it was.* None of them were too active, but they were there.

Frank Gordon of Napa County was later succeeded by Nate Coombs, but Frank Gordon was with us all the way, and then Frank was the final man.

Fry: He was with this group?

Carter: Oh yes, and Henry Dillinger of Placerville was with us all the way.

*Sonoma County was represented by Herbert W. Slater, who died in office on August 13, 1947. He was succeeded by Clarence J. Tauzer, who died in office on September 4, 1948, and was succeeded by F. Presley Abshire.

Carter: Lou Sutton from Red Bluff--now let's see, where did he stand? He succeeded Clair Engle, and Engle was gone at that time; Lou Sutton was there. Lou was with us, but it was an off and on proposition. It's kind of a hard thing to say, but I think he was-- Lou was a big rice farmer up there, and his background was outside that particular area of activity. He didn't care too much. He understood the highway transportation thing, but he didn't know too much about this taxation thing, or this oil fight, or all that business.

Fry: Which fight?

Carter: You know, the fight with the oil companies about the taxation and so on. I think he bought it and went with us, that's my memory.

Harold Johnson wasn't there yet when this occurred. He succeeded Jerry Seawell [Jerrold L.]. I think Jerry Seawell stayed out because he was president pro tem then and didn't get too much involved, but he was never negative. You see, we couldn't have done much without him. If he wanted to veto us he could have been pretty tough.

I think I could say that Jerry was on our side. It was always hard to tell where Jerry was, precisely, and I used to say to him, "If you don't do right by this, I'm going to punch you right in the nose." [Laughter] No, this was jockeying around, but anyway we were laughing when we said this.

I think Harry Drobish from Butte County was with us, but again it was-- You didn't have a very strong activity thing, but he was there. And then Butch Powers [Harold J.] from Modoc was very much on our side. Butch was a superb operator, a very good one. He succeeded--well he was elected president pro tempore of the senate in 1947. He may have been there then, part of the time.

I don't know when Jerry went to the State Board of Equalization. You see he got elected to the State Board of Equalization during this period of time, if my memory serves me right.

Fry: Jerry Seawell?

Carter: Jerry Seawell, yes, and Powers then took over as president pro tempore. So he was very much on our side. He was on our committee work before this started and then became president pro tem. But he didn't back out of any committee work and didn't do anything very active because as the presiding officer in the senate, he just simply withdrew from anything on this level, and properly so.

Those were the men that I remember that had something to do with it. They were more or less the active group that we worked with from week to week. We went right on through this session.

Carter: The things I remember about the Collier-Burns Highway Act of 1947 are 1) that the bill was put together by Senator Hatfield way back in February. It was basics. That it was then developed through this committee process and through study and transplanting those basic ideas into making it a workable legislative bill. The basic ideas didn't change, as I say, one iota.

The bill had a very almost perfunctory course in the senate because it was a cinch to be adopted--you couldn't have stopped it with the so-called irresistible force. As I say, we were just wired to support it. You knew that when you were arguing it. It was not a debatable bill, from a senate point of view, because we had worked on it. It was in many ways our own creature that we had developed as a device to carry out this idea that Warren and Hatfield and others had conceived and developed and put it into action. This was mechanics. I had a part to do with those mechanics; that's about the way I described it. Then along the way we did a number of things which are of interest, but I don't think they're earth-shaking.

VIII THE HIGHWAY BILL IN ASSEMBLY

Training Sessions with Assemblymen Miller, Caldecott, and Kirkwood

Carter: I conducted some training classes for three assemblymen that I remember. There may have been others in and out, but there were three special ones who were exceptionally able and very good. They were younger members of the assembly, one Democrat and (I think) two Republicans, who were highly articulate and well skilled.

One was George Miller, Jr. later to come to the state senate, a very capable man from Contra Costa. He bought this even though he very much had a big Standard Oil operation in his county. He bought it lock, stock, and barrel and went right down the line. He sat in on these conferences, and he was--

I developed an acquaintance and understanding that was a life-long acquaintance. He's now gone, but we learned to know and understand one another at this time. We went through a number of political affairs since then, but this is when we really got to know one another. Boy, he was sharp and he was good and he knew his business.

The other was Tom Caldecott who is now in the State District Court of Appeal here in the Bay Area and before that was on the State Superior Court in Alameda County. He's the son of the former chairman of the Board of Supervisors of Alameda County. He was an assemblyman from, I think, Berkeley and a highly skilled and well-educated young man. He was a fine man.

The third man was Bob Kirkwood, who was the son of the dean of the Stanford law school, Byron Kirkwood. A very bright fellow, he later became the Director of Public Works of San Francisco. He's now dead, but he was an assemblyman from down around Los Altos, or in that country there, and a Republican. You know the liberal-stripe Republicans are very sharp in these perceptions. An excellent man.

Carter: They all accepted the basic concepts here, and they familiarized themselves with the details. What I did was take them through the bill section by section, tell them what it was about.

Fry: Did all three sit in on these conferences?

Carter: You bet your life they did. Sometimes, every once in a while, Tommy Keating came in and participated, and this shows his special interest here. He was a fine man and a very able one.

We'd sit around there--I think I had these sessions over in the committee rooms on the senate side the particular nights when we had it. We'd go at night and take two or three hours at a time, three or four hours, and do this.

Fry: And the idea was that they, then, would be able to educate the assembly?

Carter: Well, be able to develop whatever material there was. And they learned their lessons well; they were good.

Fry: Were they for the two cent tax?

Carter: We didn't get into any quarrels about that. No, I explained this, and they understood this, and they made up their own judgments. I don't remember what their decisions were. Whatever it was, I didn't care. They had the right to their points of view. We weren't going to let it stand on that. Whatever the majority agreed on, you'd accept if it wasn't something so outlandish you just simply couldn't buy. The seven and a-half compromise was eventually bought by both sides, and when they agreed, that I didn't do too much about.

I think Hatfield and Hulse made that deal for us. There were some people in the assembly, who I don't remember now, but they spoke for the assembly, and they were able to deliver.

Voting in the Assembly

Carter: That part of it was all right, but the final vote in the assembly was carried by one vote, you know. This was a very close vote. That is, the original vote. Later it went by ten or twelve, when they got through changing their votes. Once they saw the forty-one votes go up on the board, then they started switching. That was critical; the forty-first vote was a very interesting vote.

Fry: Was the assembly less enthusiastic because of its overwhelming urban content?

Carter: I never saw it that way. I think mainly there were a number of competing interests there, and they were more influenced by the truck people, particularly. Specialized groups in certain areas, like the draymen, could get to their assemblymen.

In certain labor areas--I know I worked with Neil Haggerty to say, "Can't you call Eddie Gaffney?" Gaffney's a lovely little guy, but he does what the archbishop and Neil Haggerty say. That's substantially his philosophy. He goes down the line with labor and the church. That's his view and he's very consistent about it and he's very honest about it. I thought that he leaned over a little bit too far, but that was his way of doing things, and he's entitled to his view. I don't think it showed too much depth of reading a bill and understanding, but he didn't care too much what was in it; if the archbishop was for it and Neil was for it, that was good enough for him. But if they were against, that was good enough for him. He'd go down the line and walk the plank for them. I didn't care; he was a very forthright little guy.

There were a number of them that way, and then there were others who were far more--I was going to say mundane, but they're more venal about it. I mean, they had real financial interests in this, like the oil people.

Money Pressure from Industry

Carter: This was the only place where I saw what I thought was the pressure from money. I never saw any of it in the senate. There was only one minor place that I saw anything that could ever possibly be construed that way, and I'm dubious of that. The rest of it, money was no consequence.

Fry: In the senate?

Carter: Yes, it was entirely these men voting the way they felt, and I think they were honestly voting their convictions. Of course, that's a judgment I make, and I don't want to be condemnatory of the assembly by making that judgment because I didn't know that assembly that well. So I was a little hesitant to put that tag on there, except there were some places I had a feeling there was some venality involved. It was a question of who last got to them. Sure, we had to live with that, but it's not very nice when you get into this kind of a thing, which turns on principle for me. But it wasn't a nice proposition.

Mike Burns stood his ground in the assembly. He was a glorious old Irishman, and he didn't know too much about the bill. Poor old Mike couldn't argue it. But Al Wollenberg was a stalwart. He knew

Carter: his business and he was well-informed, as usual. He was Warren's chief assembly man. Oh, there were a number of other capable people who were on that side, and they were all right.

The three men I had talked to stood their ground and they did not deviate. They debated very well and knew what they were talking about.

Fry: Were they on important committees in the assembly? I wondered why they were chosen.

Carter: I think they were around them. I don't know that-- You see, they were so young that they didn't occupy dominant positions. They were kind of sleepers. We really picked those fellows out of the assembly as coming men and we saw them as great prospects. By the time this bill became ripe, they would have more effect than when we talked to them originally. It was a prediction that came true; they were that good. Their choice wasn't mine, it was Hatfield's. He said, "What about Miller?"

I said, "I think he's got the stuff."

"You want to try him?"

I said, "I'm certainly willing to. He looks good to me. I don't know too much about him, but if he'll go, I'm willing to work with him." This is the way we went at it. We discussed these people as individuals.

I knew Kirkwood was a very competent man, and Caldecott had always impressed me as being highly competent. Coming from the backgrounds that they had had, I always felt that they had a special insight in government and weren't narrow-minded or narrow-gauged about their appraisals of the problems. I never second guessed the original suggestions of those men and I thought they were highly well-suggested. They were right, so I went along with the idea and then just proceeded to try to sharpen it, that's all. I was just using the tools I had in front of me.

Fry: What we left out of this tape was where you put the bill together.

IX HIGHWAY BILL FORMULATION

Committee of Specialists

Carter: Well, I put the bill together before that, with this committee of specialists--cities and counties. That is, Bud Carpenter, an attorney from Fred McDougal's office (I forget his name now), and McDougal was called in from time to time, and Montgomery from the Division of Highways along with Bob Reed from the Division of Highways. And Charlie Johnson was in that work, too, from over there.

Fry: Highways?

Carter: Yes, the Department of Public Works. He was a superb guy and he knew his business. And there was somebody from the attorney general's office who was in on this and went right along with it. Who was this?

Fry: Would this have been Oakley? A deputy attorney general?

Carter: I don't think it was Oakley, although I knew Oakley and he was a very capable man. I don't mean to downgrade him, but he didn't--

Fry: Yes, he didn't help on this.

Carter: There was another very able man who helped us.

Fry: Was he the tax specialist?

Carter: No, we had our own tax people who had done this. Zettel was good enough. These lawyers could put the tax technician's language into law. We had Dixwell Pierce's office to help us. He had also to do with parts of the Board of Equalization--administered motor vehicle licences. Then we had somebody from the Department of Motor Vehicles who was separate and apart from that aspect of it. Taxation wasn't left untouched. I don't know his name now. These are names that are way back in memory, and they wouldn't appear in those senate forms.

Fry: No, I was just looking. The bills take up such an enormous section of this! Here's the third portion of the bill and I think it goes on--

Amendments

Carter: Amendment, amendment, amendment, amendment, and they are very mostly technical amendments. There are no real amendments of substance, and my present memory is that no change in basic substance was ever made from the time Hatfield put that together. I suspect that would be born out if somebody reads it very carefully.*

We had that many bills in that session. That's just the number of bills. I think that was the bill that was moved. You're right, now that you call it to my attention.

Fry: You see, it's senate bill five, and it just goes on and on--

Carter: And then they have senate bill twenty-eight here. Most of it had to do with highway.

Fry: Yes, it looks like the whole extraordinary session did.

Carter: You see, this proceeded simultaneously with the regular session.

Fry: Yes, that's why it's so hard to find the bill. If all you know is the dates, it doesn't work out.

Carter: It's a highly specialized business. Gee it's funny how that slips your mind in this thing.

Presentation to Assembly as Committee of the Whole

Carter: Oh, I should mention two things that stick in my mind as special occurrences during this process, which I thought were quite significant. One was the presentation I had to make to the assembly committee as a whole. This is a sort of an unusual procedure.

*California Legislature, Fifty-seventh Session, the First Extraordinary, 1947, Senate Bills, 1 to 40.

Fry: At what point did this happen?

Carter: This was when the bill was presented to the assembly in the committee hearing. The assembly was so interested in the bill that they did not assign it to a committee. They assigned it to the assembly as a committee of the whole, and then set a special hearing on it. They invited somebody who was familiar with the bill, and I was designated to present it because I was in this particular position. It took all day; not just a morning.

Collier made a very good opening presentation of about half an hour, I guess. It was a prepared statement that had been prepared by the committee staff, and he read it very well and knew what he was talking about. It was nicely done and was a good preface.

Then we started through the bill section by section, line by line, and answering questions. You see, the committee of the whole could ask questions. We had an understanding that the speaker of the assembly was the presiding officer, and he just managed the thing. He heard each assemblyman and let him ask his questions and directed them to me.

I had these staff people behind me who were working with us on the discussion of the bill. I introduced them as to who they were and who they represented. We didn't make any bones about it, at least I didn't-- I didn't want to mislead these people. I always felt that complete frankness in approach was a far better style than keeping something in the dark. I just think that the best way to do is to expose what you are doing and who you are doing it with and do it very frankly and openly. That forestalls a lot of arguments.

Fry: There may not be a transcript of that particular hearing now.

Carter: I don't know that it was ever transcribed, although it may have.

Fry: What were your impressions of the main concerns in the assembly? Did any stand out?

Carter: Yes, there were two or three things that stood out, not of any great importance, but they were certainly quite cogent. There were a couple of what I would call quite tricky questions posed to me, and I'm sure done attempting deliberately to confuse. I remember one done by Frank Dunn from Alameda. Frank, the cozy old Irishman--he had the Irish brogue, you know--posed a big long question with a lot of involved facts and said, "What would happen under the amendment?"

I thought about it for a moment, and I said, "Nothing would happen. It's no different from the law right now. The question is directed to the existing law." And I pointed out what portion of the existing law (I had that law in mind), and that brought some nods from the other people.

Carter: You see when a fellow gets caught in his own web-- He got a little red. I didn't upbraid him or challenge him on it. I had answered the question, but I answered it so directly and explained it so completely that it left him kind of bare-faced with that kind of an answer. It was surely a tricky question. It was one of those things that if you got enmeshed in its details you're lost, if you didn't see through it. And fortunately I did, at the moment. I checked back and I said to the staff people who were with me, "Isn't that correct?"

They said, "Yes, you're right." So I started out and that put a stop to that. Once I nailed that, I stopped that kind of line of questioning, and I was very happy that I was able to do that and didn't get caught stumbling and biting my tongue; I laid it right cold. Now that's the first one.

The second one had to do with the truck tax. You see the truck tax is a highly complicated structure, and it involves the gross receipts tax, which has always been (in my very own opinion) a very unfair tax. I don't mind saying so, and I didn't mind saying so then.

[Tape 3, Side A]

Carter: I said, "That decision has been made and the question has been argued and discussed. You can argue and discuss it if you want to, but it's there. You've had it before you in separate bills for years, and you haven't been able to change it. If you want to change it in this bill (I don't suggest that you do it), but my response to any attempts to use this bill as a vehicle to accomplish that would be, 'Don't wreck the bill.' In other words, don't throw the baby out with the bath water."

I think I used that very term (that's one that I learned from Bob Kenny). I just said, "The bill itself is a more meaningful thing than that one segment. There are areas in this bill in which you or I as individuals might have better solutions to the problem. That's one where I have areas." I also had one on county roads that was a little-- I don't remember the details, but I went on to expound on that.

Fry: You had reservations about it?

Carter: No, I had views that were at variance with my brothers in the senate. But I said, "I tried it and lost. I don't mind saying that. But I'm not here opposing the bill after I lost that fight. I lost a battle, but I'm not going to lose the war. If you want that philosophy, that's my approach to it, and I don't think it's that bad or that makes the bill fundamentally bad. You can take it any way you want, but don't use this bill as a vehicle to vent your personal spleen on these one or two segments of legislative activity in which you have a special view."

Carter: That's about the thrust of the argument, and they bought that. They accepted that. They understood the basics, and they understood the reasoning behind it. Most of these men were practical political men and they understood what I was talking about. I was talking their language and they understood it. You could talk their language. That's what I always say: when you're in Rome you talk like the Romans, when you're in Washington you talk like a D.C.er, when you're in San Francisco you talk like a San Franciscan. You're where you are. You try to be what you are and you try to explain it in their terms of reference.

This is what I was trying to do, that's all. So the mechanics, when you did it in that context, are not too complicated, although the detail was tremendous. It was a vast and difficult task to put it together. It was (I think this is an accurate appraisal) a tremendous task of memory, putting all these things in some sort of order and trying to understand one thing in relation to another. This is a very complicated mechanism.

The other basic point that I made to the assembly, which I think the more experienced legislators understood, was if you tinkered with this mechanism you could very soon destroy the effectiveness of the whole bill. I said, "Now, don't get into that attitude. Deal with it as a whole thing and either be against it or for it, however you grade these parts. That's not to say that if you do believe that it can be amended and improved you shouldn't do that. That's your privilege. You're in this house and this is your function and you should carry out your function for that purpose."

I've never in any way attempted to detract from their sphere of influence. I've always recognized that they were a legislative body with the same powers as the senate. I merely pointed out to them that this had been put together with very great care. It wasn't a Johnny-come-lately job. I think I convinced them that it wasn't something you could tinker with and have a balanced and workable end result.

I said, "Before you get into this, if you have an idea I wish you'd come back and clear it with our committee of experts. They'll give you ideas of how your desires can be carried out legislatively. I don't mean to say they'll tell you how to get it passed, but they'll tell you how to put it down on paper. They're here in the legislative capacity, although they are not a legislative counsel and they're not purporting to be a legislative counsel." We had a legislative counsel, and an extremely competent one, and he was in on this too, by the way. I don't mean to say he was dragging his feet, because Mr. Wood was a great friend of George Hatfield's and was an extremely able man.

Fred Wood, Legislative Counsel

Carter: As a matter of fact, Fred Wood had a great deal to do with the formation of how things were originally put together in Hatfield's mind. I think Hatfield relied on Mr. Fred Wood as a lawyer more than anyone around. He had a high regard for Fred Wood's legal ability. So did I and always have. Fred later became a district court of appeals judge.

Fry: His name sounds familiar.

Carter: He was our legislative counsel for many, many years. He was a superb, extremely competent, able man. When you went up to him with a problem, he gave you a very thoughtful and meaningful answer.

Lord knows I used to bedevil the poor man by asking him--He used to say, "This fellow asks more impossible questions than anyone!" [Laughter] He liked me, though; he was very fond of me.

Fry: You were the one with the tough questions. [Laughter]

Carter: I used to ask him a lot of questions, yes I did. I never hesitated. He always accused me of being a nut on constitutional law. I was always asking a constitutional question.

They (when I say they I mean my fellow senators) would always accuse me of running to the constitution to support me. [Laughter] But I read the constitution--mostly federal.

Fry: Yes, I should think you'd have to do that.

Carter: Well this was a technique I used. Whether it's right or wrong I did it, and I'm not ashamed of it. I think it is wise. In that kind of a situation, the senate is the place where it ought to be done.

Fry: Yes. [Laughter]

Carter: I wish they had more people who would do it. As a matter of fact, one of the nicest things that happened to me while I was there--when I went to retire, the staff people of the senate presented to me a copy of the Constitution of California and a copy of the Constitution of the United States. It's a book put together that is an excellent book. I still have it. It's signed by all those people, and it's a very wonderful thing. It says "To the fellow who uses it the most."

So that was it. I didn't hesitate to reach for the constitution all the time. I would see what it said.

X PASSAGE OF COLLIER-BURNS HIGHWAY ACT OF 1947

Final Vote of Assembly

Fry: After this was presented to the assembly--

Carter: It went out of the committee with a "do pass" recommendation, if my memory serves me right--either that or without a recommendation. But it went out of the committee to the floor and then it came up for a final vote.

I think it went out with "do pass," though, and this was the thing that we were interested in.

Fry: You said it passed at some point by just one vote.

Carter: Well, then it came up for final passage. This is where I didn't have any opportunity to explain it.

Fry: [Reading from Calendar, California Legislature, 1947] "March 27th considered in committee of the whole. From committee 'do pass' is recommended."* Would that be it?

Carter: Yes, that's it, and that's the time that I made my presentation. I was gone from something like 9:30 in the morning until 4:00 in the afternoon.

Fry: And then after the third reading it was made special order for Tuesday, April 1, 1947 at 2:00 p.m., and continued to April 2 at 10:00 a.m.

Carter: Then they permitted me to sit specially on the floor. I got the permission of the officers to sit beside Mike Burns, not to make any debate on the floor because that is forbidden for the member of one house to debate in

*Ibid.

Carter: another. But it's even unusual for a senator to sit on the assembly floor while the debate is going on. It's not a very well-looked on policy. In this case it was done with the permission of the chair that was granted.

Fry: What was your function there if you couldn't talk? To advise--

Carter: Burns, yes, and anyone else who wanted to be advised, but mainly Burns. Again they asked another hooker of a question, with all these curves in it. I had the same answer, "It didn't change the law one bit."

"What does the bill do?"

I said, "Mike, tell them it doesn't do anything." [Laughter] They pulled this on him and he didn't understand that question. I said, "Mike, don't worry about it, just tell them it doesn't do anything." I said, "Tell them because it doesn't change the existing law." He understood that and stood his ground and he didn't give them any debate about it.

Fry: Was this one cent versus two cent tax a problem at any time?

Carter: No, not then. It was agreed on at one and a-half right then. They agreed on that long before it ever got to the floor. Then, as I say, Hatfield and Hulse made that deal with some of the leaders of the assembly, whatever that is, if it was going to go through it would have the cent and a-half in it. That was agreed. That's the way it was put.

Fry: Either you or Mary Ellen Leary told me last year that the oil companies also previously agreed to a cent and a-half.

Carter: I think that they accepted that. But that was Hatfield, again. He put that thing together, absolutely. As I say, that's another indication of how good he was.

Fry: It sounds more a question of how the senate vied more with the outside lobbying interests than with other senators, and that it was the same in the assembly.

Carter: The opposition assemblymen were most vocal on the floor of the assembly during the debate, and they legitimately opposed the bill. For whatever grounds they had, they opposed it, and this is their privilege. I don't argue with that. They took their positions flatly and openly.

Influence of Governor Warren

Fry: What influence was Earl Warren's opening speech, his address to the legislature?

Carter: Oh, that's very minimal. It had some indication of where he stood, but I don't ever rate that very high. Any governor indicates a program.

But I think you have a misconception. A governor doesn't direct it that way. This may be the announcement of a program that is of importance or value. It's the specifics that come to the legislature that count. This is what the legislators look at, and this is what's under discussion. You don't fuss around with that general planning; you're talking about specifics. Most legislators don't want to be bothered with that other business.

Fry: Warren apparently anticipated quite a fight on this, because he had said in December that he was going to print up bills and send them out to a lot of the counties so that he could get grass roots support. Do you know if things like this ever went out from the governor's office?

Carter: It may have, and I don't know if this is what indoctrinated the rural senators so much. I felt the rural senators to a man just said, "We're for you." They didn't back off one iota. Only one gave us any kind of problem in this area. We got nothing of any consequence. Or, some minor disagreements here or there, but only minor. They just all agreed.

Fry: Who was the one who gave you the problem?

Carter: In the rural?

Fry: Yes.

Carter: Well, I'm trying to think now who that would be. I'm trying to place it more specifically. Well, we had a couple of the wishy-washy ones. Sutton was not too firm, but that wasn't because any lobbyist bothered him. He didn't give two cents about lobbyists. It was his own *modus operandi*.

I think Jesse Dorsey was a little concerned. Oh, it was the senator from Kern County. Well now, maybe Hugh Burns was a little concerned about the oil interests from Fresno, and we didn't get as much cooperation from him. Jack Tenney from Los Angeles which is, of course, not metropolitan, but--

Fry: Yes, I wanted to ask you about Tenney on this. Tenney really fought it.

Carter: Yes, he was the one who was really hostile to it because he was strongly in favor of the oil people. He just took that position, and you had to give the devil his due. (I don't mean it in that sense). You had to allow the man his own beliefs.

Fry: He was caught up in the oil picture in L.A. I guess this is how he had to behave.

Carter: This is what he thought, at least, because one thing about Tenney was he was calling his own shots in this area. I used to think that he was an awful charlatan, but I ended by changing my views about him. I later found him to be deadly serious.

Fry: He changed, too.

Carter: I think so. You know, he used to be a phony, but I think he developed some real reactions which later came through. He voted those reactions and then is when he was far more dangerous. I almost wish he'd go back to being a phony. [Laughter]

There was one other aspect I thought might be worth mentioning that developed in this area. It just comes to mind here as another aspect of it. There are so many of these things that keep popping up.

Conflict with Department of Public Works

Carter: There was one other event that occurred in the history of this legislation which is worthy of note. It had to do with the relationship between the senate committee that was working on the bill, the whole, big committee, and the governor's office--with as part of that the Department of Public Works. At one time there developed in the Department of Public Works under Charlie Purcell and George McCoy a suggestion; I forgot the precise suggestion, but it had to do with the allocation of monies between the cities and the counties. Because there was a concern about the money that was set up for allocation to the cities and counties in reference to the amount of the pot that was to be distributed to the state.

You see, there were several cut-ups here. The state wanted to get more money, that was the philosophy. They were determined to get us to change that percentage right there, and they wanted to persuade us to do it. I use "persuade" now, but I think they were almost demanding it then. They were highly vocal about it and very affirmative about their positions, as strong administrators can sometimes get.

Now, my feeling was that the governor always stood above this and didn't get involved in this fight because he considered it to be sort of an inside fight among his supporters. This was what was going on. All he didn't want to happen was to have it destroy the bill. He, I

Carter: think, expressed his view to Hatfield and to Hulse that he was highly concerned about that aspect of it--that we shouldn't get into a fight that would destroy the bill.

Fry: He wasn't saying that his executive department was necessarily right?

Carter: No, no, he did not take that position with our people. He said, "No, I want you fellows to settle it among yourselves." He showed his diplomacy here. He was rather sharp. We took it from there. We went over and had a conference with the Division of Highways people.

Fry: Who's "we"?

Carter: Our steering committee. This was where we really had an eyeball-to-eyeball session where we showed our guts, if I may say so, in which neither side would back down one iota. We stood our ground.

Of course the cities and counties were scared to death we were going to cave in. They didn't think we had the stamina to withstand this kind of pressure. They didn't understand what they were dealing with, because I've never seen a group of men stand together any better than that. They just did, without one shadow of a doubt.

Oh, the other thing was that Collier had said to us that he thought we perhaps ought to modify our position. This was the reason we were holding the conference. We wouldn't even have gone for the conference if it hadn't been for Collier, because Collier really was a pro-highway department man. I don't say that meanly or anything like that; this was an honest philosophy on his part. While he was expressing his own view, they had persuaded him that that was the correct thing to do. He was not bitter or angry about it. He just simply took the view that we ought to modify, and he was not about to oppose the bill or be against it if it didn't go. He wasn't in the posture that Charlie Purcell and George McCoy were. They were quite hostile and had their necks bowed and were really going to force the issue on this. At least they talked like it.

Fry: Were they aware that Collier had said this?

Carter: They were aware that Collier was in favor of the position, that's all. They didn't know how strong it was, and I don't know that they were about to test it. They'd sometimes take positions without being willing to get out and take a face-to-face test. I think they were really getting a reading of the temper of the people they were dealing with, and how firmly these ideas were set in the mind.

I can remember Senators Jespersen, Hatfield, Brown, Hulse, and myself--and if any group ever got told straight in unvarnished language (and each had his own view) with a hard no, it was those

Carter: highway men. They got it, and they got it forthrightly. That's one of the few times I saw our boys talk real tough. They didn't back down one iota, and to me they showed great courage, because highways to them was whether their people lived or died.

This was what they were trying to accomplish, to get transportation developed in their areas. They were approaching it on this attitude at least. There were some aspects of that in this kind of legislation. If the highways pulled out on us, we were in some trouble. So we just said, "We're just going to have to stand our ground regardless of what they do."

Fry: It's my understanding that the highway division was one of the strongest ones in state government. They did have a state income.

Carter: Purcell and McCoy were not poor administrators; they were competent administrators. They were very forthright and very powerful and very persuasive and also they demanded what they needed. They didn't take no for an answer. They didn't get pushed around. Charlie Purcell was not a man who would take no very quickly, and so he had his fighting gloves on was how I read it. I said, "Well, Charlie, I don't see any winning in that one. If you want to take a try at it, have at it."

He shook his head and he said, "Well, I agree with you. There isn't any winning that one, and I guess maybe this is going to be a losing battle. But," he said, "I think we're right." When he thought he was right, he was hard to dissuade.

"Well," we said, "we don't think it's worth dropping the bill. But we've committed ourselves, and we're going to live up to our commitment."

Fry: So it didn't get out as an issue on the floor?

Carter: Oh no, it stopped right there, and I think that's because powers-that-be said so. I think Earl Warren saw it in that context and didn't allow it to get away. I don't know this, he never told me this, no one ever told me this, but this was the impression that I had. That he had--

Fry: It had to be settled.

Carter: My impressions of all the conversations that he had had with Hatfield, and to some extent with Hulse, was that he was not about to lose the bill on account of this argument. But it was a hard and bitter argument, and this was very interesting. I think Senator Keating was in on this with me, and he didn't backfire one iota either. These were all men of great courage. I think Butch Powers went along with us, too. He didn't back down, either. He just said, "Count me in." That's one thing about Butch. He never ran.

Fry: That was a pretty valuable group!

Carter: These were the men who made it go, and I was proud of them that day. I said, "Well you guys go up a score in my book." [Laughter] That's the way I like to see them stand!

They kind of laughed and they said, "Well, when you know us better you'll know how good we are. You'll know we can do it too."

I said, "I'm sure you can. I don't quarrel with that."

That covers the highway bill. I think that's enough.

XI GOVERNORS CULBERT OLSON AND EARL WARREN

[Interview 2, June 29, 1972, Tape 4, Side A]

Relationship Between Legislature and Governors

Fry: Would you compare the way the legislators felt about Governor Olson and how they felt about Earl Warren?

Carter: Well, I think there was, during the time I was there, a decided difference in the reaction of the majority of the legislators to the two governors, although myself, I was friendly to both of them. I found that there was quite a bit of hostility in the 1941-42 session, which was engendered by Olson's administration. I was considered to be one of those friendly to the Olson administration, so I didn't get in on all of the details. But at least I heard comments, and I sensed it, and I saw the end result.

There was a great deal of, in some cases, almost personal hostility in the senate, where Olson had previously served, as the state senator from Los Angeles County. Many of the then members of the California state senate were personally acquainted with Olson as a senator, and they thought he was assuming legislative prerogatives when he became governor. And Olson, when he attempted to move in an authoritative manner, was quite often rebuffed by the legislature. It was an innate hostility almost. It was in part partisan, because the majority of the legislature was then Republican and Olson was a Democrat. Olson was a reform man and most of the men in the legislature were conservative. It was a natural cleavage of opinion.

Now, in the case of Warren, he was a tremendously popular man with the people and this reflected itself with the legislators. Even though in their executive policies and in their legislative messages, the governors were almost parallel, the legislature was far more friendly to Warren than it was to Olson.

Carter: I know I used to say to some of my brethren, in a sort of guying way, "You know, he's doing the same thing that Olson did," and they'd just kind of shake their heads and they'd go on. But it was obvious, and I thought I observed kind of a difference of approach.

I think it had to do with personal confidence in the individual, stemming from the personal knowledge that they had. Many of the legislators were personally acquainted with Earl Warren. He was a well known man, both as attorney general of California and as District Attorney of Alameda County, and he was individually known to these men over the years. He was active in the masonic lodge, and many of those men were also in the masonic organization. And he was a very busy man and getting around, so that he just made contacts. And he was a very gregarious person when he was out. It just was a matter of better public relations in that sense, or better personal relations-- I think that's the better terminology.

Fry: It seems that Pete Phillips of the Sacramento Bee always wanted Warren to take a more active part in the legislature than Warren was willing to take. But as I read through the articles on the legislature, from 1943 on up through '53, Warren's batting average with the legislature seems to go down. You were there until 1948, did you notice any change in his relationship or in the legislature's acceptance of his leadership?

Carter: Well, I think attitudes perhaps hardened over the years. These men were philosophically the same as they were when Warren came in. They didn't change their philosophies because Warren had a change--or if he had a change. I doubt that he had too much of a change, although I'm sure he had some. His essential approach was that--I would say that Warren was (not in any evil sense, or anything of that sort) quite deceptive. He was a very personable man but very strong in his points of view. And his personality was the first thing that came over to you, as being such a fine individual--well met, gregarious, and so on. His firmness in his beliefs was slow in coming through, and it was the delayed reaction that brought this firming up of attitude.

Fry: Are you speaking of his social legislation?

Carter: Well, in part, and his whole attitudes. I think this was the great mistake people made about Earl Warren: they underestimated his determination to accomplish his objectives. He was a very, very strong man, and he had great strength of character. This was demonstrated by his later conduct as Chief Justice of the Supreme Court of the United States. He didn't hesitate to take a position when he got into some tough fights, and there's a greatly divided view of how well he did that.

So, history, I think, is going to show Earl Warren to be a far more controversial character than he was as a person, because he was so gregarious and so personable, that he was just nice to see.

Fry: The kids would say now he was always getting it together. He was always bringing diverse groups to back him, or to back an issue. He seemed less controversial--

Carter: He always saw the basic issue rather quickly, and he never deviated one iota from his attempt to accomplish whatever objective he had in that kind of a case.

[Tape malfunction, change to cassette]

[Tape 5, Side A]

Fry: You had summed up, as I remember--

Carter: Well, I was just saying that the basic difference between Warren and Olson was that I thought that Warren was a far more personable human being than Olson was, although Olson was a striking man to see as an individual. He was a big, white-haired or graying-haired man.

Fry: Oh, was he a large man?

Carter: Oh yes, he was bigger than Earl Warren, and Earl Warren was big enough. I mean, they were both big men physically, and Olson was a striking looking man. He was very, very good looking, and he appeared well in public. However, he tended to be a loner in his own personal life. It was hard to know him well.

I can't say that I knew him well personally because I was always my father's son to him--just one of the boys, you know, young boys. And while I was a well-meaning young fellow and it was nice to have me around, I don't think he relied on me to have the mature judgment he thought my father had. He had placed great reliance on my father, and they had a relationship I don't think I ever could have arrived at, except over a long period of time. Unfortunately, or fortunately as the case may be, time was never that long. We only had two years at the most during which we were ever really fairly closely associated.

The life of a legislator and the life of a governor are entirely separate things.

Fry: Yes, I was wondering how much a governor really can do to push his legislation through.

Carter: Oh, well there are many avenues in which ideas can be conveyed. It's mainly a function of mutual confidence, and I just think that the legislature as a whole body had more confidence in Warren than it had in Olson. Essentially, their programs were fundamentally the same in terms of their social approaches, although the mechanics by which they did things were entirely different.

Personnel

Carter: Warren's office was a well-run office. Olson's office had some excellent men in it, but it had some awfully sloppy men in it, too. The very sad experience he had with his son, Dick Olson, was a highly distasteful thing for the legislators. And so this was another area in which there was a deep sense of resentment, or a deep breach between most of the members of the legislature and the governor.

Fry: In terms of a governor's man actually lobbying--and I'm using that not necessarily in a bad sense--

Carter: Well, not only is lobbying a very useful thing, it's necessary. There has to be a lobbyist at every level, whether they call themselves that--

Fry: Lobbyists or "advocates"--

Carter: That's exactly right, and if you didn't have advocates, you wouldn't have the information--

Fry: I wondered if men who were lobbying for the governor's office were more active under Warren or Olson.

Carter: My memory isn't too clear on that. Since I was there longer under Warren, I thought that the Warren people were more active. But I can't say that with any degree of certainty. That's a conclusion that's sort of off the top.

Fry: He couldn't use members of his office staff for this, could he?

Carter: He could and did. Some of the more effective men for both governors were the men in the office. For instance, I think Olson's most effective man was Stanley Mosk.

Fry: Oh really!

Carter: Yes. He was extremely able, and very well respected. But he was quite young; he was only twenty-six when he was the governor's executive secretary. That's how young he was. He was a bright young man and very, very circumspect and very able and knew what he was doing.

There were other members of Olson's staff and quite competent, but there were some who were just run-of-the-mill and not too able. Whereas the Warren staff, like Bill Sweigert, who was extremely competent and very well-respected--

Fry: Well, Warren also--

Carter: Or Jim Welsh, who's over there in superior or municipal court in San Francisco, and Jim Oakley.

You see, Warren called upon a great many of these men who were deputy attorneys general in Kenny's attorney general's office. They were there as civil service men.

Fry: But the men you just named were in Warren's office.

Carter: Yes, Warren had had this prior experience in state service as attorney general and knew these staff men from that period. He just took, for instance, Sweigert from the attorney general's office with him to the governor's office. He took young Bill Mailliard, the present congressman. Mailliard was there for a while, not necessarily from the attorney general's office, but he was used. Warren had high quality people.

Fry: Well, he had some legislative secretaries, and your friend Lawrence Carr was one.

Carter: Yes, Lawrence had been a district attorney in Shasta County and a very able one--no, not yet. He was going to be a district attorney in Shasta County. He came as a young man who had a lot of talent. I'd known him quite well, of course; I'd gone to grade school with him, and I knew him in college--a very bright young lawyer. He was a very dedicated young man then, and he's a very fine lawyer now. He was a fine servant for Warren. He was one of Warren's earlier legislative secretaries. And didn't Dick Chamberlain go in there?

Fry: That's right, Dick Chamberlain was one.

Carter: Now, Dick was an extremely fine man. And wasn't Beach Vasey in there?

Fry: Beach Vasey and Burdette Daniels were the other two.

Carter: Well, all of those men were high-quality men.

There were other high-quality men in the Olson office. I'd have to search back through my memory and make distinctions, and I don't want to make any odious comparisons by leaving someone out. But it's been some time now, and my memory is not that clear. But I don remember Stanley Mosk with great clarity, and I know how good he was and how able he was.

Fry: Could they go to you in your office, and talk to you about certain pieces of legislation?

Carter: Oh certainly, they not only could, but did. They were very circumspect. You knew them and they knew you, and you could depend on them. They didn't misinform you. If they did misinform you, they were through as

Carter: far as credibility was concerned. The important thing to remember here is that the communications relationship is that a man's word is his bond, and if he gives misinformation he goes back and corrects that misinformation.

It's a very, almost formalistic style of relationship in this area. I've had men who gave me information and then have come to me before action was taken saying, "Look, I've misinformed you, not willfully or deliberately, but just because I didn't have the full information at the time I gave you the information. I want to correct what I've said, and I want you to know that I'm doing this so you won't be misinformed and won't think that I deliberately led you up a blind alley, so to speak."

These are the kinds of relationships that you build. Now, the man who does not tell you the truth and does not speak to you in that way, you soon learn to know that person. While you may listen to him, you're not persuaded by him at all. Many times you say, "Just go on. Don't bother me; I'm not going to spend my time on you. You gave me some bum information here before. Now don't bother me any more." And I've seen legislators say it in just those terms to some of these people that hang around the legislature. There are all kinds of hangers-on around there. But these quality men generally that come out of the governor's office are quite capable.

XII LEGISLATIVE FUNCTIONING

Special Interest Pressure

- Carter: But different departments of state government have these kind of representatives there, and some of the departments are more aggressive and more active than others. You come to know them by the persons who convey this information, and it's a whole series of judgments you have to make about the quality of the information. It's a constant process of whittling out--it's not an easy thing. I suppose I never developed any formal method for doing that; I just did it by hand--or by ear; it was not a formal process.
- Fry: Yes, but sooner or later, you get a feeling for who you can rely on.
- Carter: You can almost smell them when they came in. You think, "I'm suspicious about this guy. I'll listen with care." And proceed with care, once a man says something to you. Oh, I could recite tale on end about some of the things that went on. I've seen some--how devices can deal with this kind of man. There's some real interesting devices about how a man's trying to run a game on the legislators. If they become aware of it, they let him go and go and go and then cut him right off. [Laughs] Rib him right up to the roll-call. Or if they get in a situation where they don't want to be on record, why they'll never get enough votes to get it out of committee. And yet everybody on the committee has voted for it, and he can't say, "you didn't vote for me," but they'll never have enough yes votes to get it out. [Laughs] I've seen that one used too.
- Fry: You mean they would have all told him that they were going to vote yes, but they could never get enough together to--?
- Carter: Never get a quorum of yes votes together. Never get enough to put the bill out. It stays right in committee. But those are old-line devices.
- Fry: There's so many ways to defeat legislation. It seems like it's easier to defeat it than to pass it.

Carter: It is a process of--you can play all kinds of games with it, if you want to play games. But my experience was that there were few who played games. It was a rather serious business with those men, and a legislator, if he gave you his word-- Again, it was the same as with the legitimate legislative representatives, or lobbyists. Their word was their bond.

Now, there were some known legislators who had their hand out, so to speak, and the last man that talked with them had their vote. There was an assemblyman, one time--I characterized him; I said, "At least you're an honest thief." [Laughter] We used to kind of kid one another. He was a very forthright guy. He didn't mince any words about what he did. And I said, "Well look, if you ever want me to do something for you, I want you to tell me who's behind it, and why you're doing it, and then I'll tell you what I'll do."

Fry: And what he's giving you for it.

Carter: And he always did; he never lied to me. He never pulled any fast tricks on me because we had a real strong relationship. He knew if I ever found out he did, he was done. That was that. It's a matter of personal integrity. He had real good personal integrity, as far as I was concerned. He never lied to me once. He always told me the truth, even when it hurt. I said, "Did you do it?" He said, "Yes, I did!"

Fry: This was usually in return for a favor.

Carter: No, he was just laying it on the line; he was a friend.

Fry: No, I mean his backing of legislation was in return for favors from a lobbyist.

Carter: Oh, yes, he had to deal in a very venal area, and he was caught in it, and he lived with it.

Fry: What area of legislation was more venal? Or is that what you meant?

Carter: Well, that's one of the venalities. It could come from almost any source. Wherever there's a financial gain to be had, some people try to buy their way through. It's a stupid way to do it in my opinion, but it is sometimes attempted. And when that becomes known to the legislators who have no personal interest in the legislation, who have no strong social action in their own communities, either in support or in opposition to the legislation (and that would be a substantial portion of the legislature in many cases)--they would get on to that very quickly, and they wouldn't waste any time with that kind of a situation. It just went down the drain. I remember, for instance, we had a problem of--when I was in the senate, during the highway legislation. As a matter of fact, one of the newspaper people wrote a story about how

Carter: "Old Dobbin" died to save the highways, which was simply a situation where some person had a bill to label horse meat.

Fry: As horse meat--

Carter: Yes. As horse meat. In other words, require the labeling of it so it couldn't be sold for human consumption, and so on. Because in those days if it wasn't labeled it might be sold for human consumption. Many people didn't know the difference. It was, in those days, being used for pet food more than anything else.

So, this manufacturer of this kind of a product was anxious to have it labeled for some reason, and it became known that he was paying an assemblyman money to get the bill through. Well, some of the members of the senate who were in a situation where they knew they needed votes in the assembly to get that highway bill through, they certainly held that horse meat bill up in committee in the senate. And after careful investigation from our state health department that there was nothing wrong with the bill, and it was perfectly all right, and it didn't violate any basic principle of government (except that it became known around that there was a payoff on it), they just simply held it up until that fellow in the assembly voted yes on the highway bill. And when he did, why they let the horse meat bill go through the senate.

Fry: The story I heard was that his vote was the last vote required.

Carter: That isn't altogether true. Any vote could have been the last vote, because in that first roll-call it was forty-one votes. Then, of course, there were a bunch of votes switched after it was found we had the forty-one, and I think we ended up with around fifty or fifty-two.

Fry: And you had to have forty, is that right?

Carter: You had to have forty-one--that's why I say any vote at that stage was the vote that carried the bill. [Laughter]

Fry: That's why you had all these different votes. But I have heard something like that before.

Carter: There were all kinds of little--there's the story that one assemblyman pulled a trick on another one by disguising his voice. He told the second assemblyman that he was a certain person (when he wasn't, of course), and that he would be very pleased if that second assemblyman would support the highway bill. [Laughter] This was supposedly a well-known person of political importance and the second person still thinks so.

That was another story that was going around. It was purely that this man being an excellent imitator of the voice--it was a magnificent job. [Laughter]

Fry: By such threads hang our entire--

Carter: Well, those were the kinds of clowning around you did when you were in a tight fight. But, I think that it was going to go through anyway. I've always had my belief that that was the fundamental commitment. But all these kinds of machinations went on. There were many other stories, but I don't remember all of them. As a matter of fact, I wasn't in on a lot of them. But these two I knew about, and I was quite interested to see it happen. [Laughs] I just kept my mouth shut and went along.

But to get back to this governor's situation. You say, "Do governors' representatives come and talk to legislators?" My experience was they absolutely did, and number two, I invited it. I was very, very happy when a governor's representative came and discussed the matter with me. First of all it informed me, and second it gave me a notion of where the governor's office stood on something, which was always a good thing to know in terms of where the emphasis should be placed. And that's about what you're trying to do: decide how to place emphasis in presenting legislation. It's an advocacy figure for the legislation, or if you're opposed to the legislation--it's an advocacy-type of operation.

Fry: The technique of knowing what to bring out of a bill so that it's either rejected or accepted, depending on what you want.

Carter: Exactly. And how well you do that would illustrate how effective you were going to be. And the man who does it well is more effective. This is my view.

This business that all these things are pre-decided and pre-digested is, in my opinion, a little bit overdone. I am aware and conscious, though, of the pre-commitment of many legislators by reason of pressures that are placed on them from their home districts or from people of political importance who put great pressures on them. They do sometimes make commitments.

But I've seen legislators show acts of great courage in situations of stress, where they finally said, "No, that's wrong. I'm going to make up my own mind and do what I think's right."--for whatever the purpose was. I've seen some good ones sacrifice their legislative careers for that. And this is one of the hazards you always run, as to whether or not your career is in jeopardy by a vote you're making. This is a constant equation that you're having to solve. You have to get your side of the story over to the people at home.

You are a representative; you have to remember that.

Reapportionment in Senate

Fry: This brings up another question, as long as we're on our graduate seminar on the legislature in the 1940s. There was a difference between the senate and the assembly in the way they operated. I keep picking up allusions to this, but I don't know exactly what it was. Some people say they opposed the one-man, one-vote redistricting of the senate ('48, I think it was), because the senate worked so well the way it was. I get the idea it may have been a kind of gentleman's club. It just was different from the assembly and the senate felt this was needed. Can you enlarge on that or explain it?

Carter: Well, I think there are a number of factors involved. Of course, the make-up of the California senate has changed over the years many times. As a matter of fact, even up to the 1920s, it was composed according to population.

Fry: It was supposed to be.

Carter: It was! For instance, San Francisco County had ten senators, Los Angeles County had three or four because it was not quite as populous in those days. Maybe they had as many as seven or eight; but they were actually divided up according to population. Then came the--what was it?

Fry: The 1926 constitutional amendment for the federal plan.

Carter: Well, it was along in there. And then they went into what they called the "federal plan," which I think is again a misnomer, because all these things have labels on them, which, in my opinion, do not accurately describe what was done. Now, I don't think that's a federal plan at all, because the federal plan was the compromise that brought about the United States Senate, which is an entirely different thing than what was done here in California in 1927, which was submitted to the people. It had some of the same aspects, but it is not the same. You don't have two senators to a state; you didn't have the same basic factors going into it.

Essentially what the people in California were trying to do was to create one body which was picked by population and one which represented area. I think that's essentially the difference in view. The areas were then set up in senatorial districts, which were not more than three counties, but not less than one. And no county was split between a senatorial district; it was a whole county or two counties or three counties, or a single county in a senatorial district.

Therefore you had these counties with tremendous population, as it developed in the thirties and forties in Los Angeles and later in San Francisco. San Francisco was then the second in population, but now other counties have gone ahead of San Francisco, such as Alameda and

Carter: even Santa Clara and Orange and San Diego, as county-wide population. So, there have been population fluctuations going on all the time, and the '27 amendment did not give any consideration to the population fluctuations. It simply operated on an area basis.

For instance, I represented the then fifth senatorial district of California, which was composed of Shasta and Trinity Counties. Now, those counties were not heavily populated; they were quite sparsely populated. I think the total population of the two counties together was under 100,000. I know it was under 100,000, probably under 80,000. It was a small population unit. But I was one senator. As I remember Senator Kenny of Los Angeles County, when I first went there, was representing between four and five million people. It soon grew to six million. And that disparity was apparent on its face. I was not the smallest district in population by a longshot, but I was one of the smaller ones.

And this threw the weight of representation, because of area, to the north. You'd have a few senators who, even though they technically came from the south, would join up with the rural northern senators--like Senator Brown from Inyo County. Now, Inyo County is sometimes considered to be a southern county, but it's a mountain county, whatever you call it.

Fry: And low population.

Carter: And small population. The same is true of Mono. He had Inyo, Mono, and a third county--Alpine, I guess.

Fry: That's probably it.

Carter: I'm not sure of that, but he had three counties, anyway.

Fry: Well, was the senate any more predictable than the assembly? Was it more liberal or conservative or anything like that?

Carter: Well, I always felt it was more conservative and more predictable. Of course, the predictability aspect of it has to do with the number of members it has, in part. That is, it's easier to predict what forty men are going to do than to predict what eighty men are going to do--that's number one. You have less numbers to deal with, and your capacity to predict is a simpler proposition. It seems to me that that's the way it works. It always worked that way when I was there at least. I could count noses much more quickly and more easily than you could on the other side. Yet even with forty it was a difficult task to make an extremely accurate prediction. You always had at least half a dozen to a dozen men in a questionable position. You had to do that. These men were independent men.

Political Independence of Senate

Carter: The other thing that I felt, though, was that I thought there was quite a rugged independence on the part of the senators, particularly when I was there. These men, while they certainly had political influence in their own local areas, were pretty much given a free hand as long as they convinced their constituents that they were honest and that they were standing with them on the local issues. Then they could use their judgment on the state-wide issues. Most of the local people in those areas were conservative anyway on state-wide issues. There were few who were otherwise.

For instance, I remember we had some anti-vivisection bills that came before us. I was on the committee that heard them in the first instance, and secondly I was in the senate when it was considered. These were bills that were supported by the Los Angeles Times. The Hearst newspapers were strongly in favor of them, and great reams of advertising in the public press came out. Movie stars and public figures appeared in support of it. I got over fifteen thousand pieces of literature on that one piece of legislation, only five from my own district. That's what I mean--my people just weren't interested in that. They read the San Francisco Chronicle and Examiner from time to time, and the Sacramento Bee. They were only interested in their local affairs. But when Iron Canyon-Table Mountain came up, they were right after me to--but they knew I was doing my job.

For instance, I don't think I ever voted the philosophy of my district when I voted pro-labor, although I think I put together a consensus for those people which not even they understood at the time. That is, in the labor field, by and large, they believed in the right of the working man to bargain collectively. All I ever said to them was that I believed that and that's what I was going to carry out, and I tried to follow that principle logically.

I had some business people in my district write to me about specific labor legislation saying they thought I should do otherwise, and I'd just write back to them, and say, "Well, that's just where we disagree." Not in any hostile sense--and I knew these men personally. They were men I knew by their first names. That's one thing, when you represent a small district, you know a lot of people by their first names. So you have to face them, face to face. Some of these were dear friends, and they were writing to me as dear friends. And I said, "I have to do what I have to do."

And very often I'd have them say to me, "Well, I know you didn't agree with me, but I know you did what you thought was right. You aren't in the pay of any of those guys down there." This was the matter of personal integrity that I've been discussing.

Fry: And this they felt was very valuable to them.

Carter: That's what they wanted--was a free agent down there. That was the most important thing to them. They didn't want any stooge down there. They didn't want any guy who'd play games for any special interests. I think I had been able to make clear that that was my attitude, and I tried to maintain that. My voting record tended to support that, and for that reason I stayed in office. Now, how long I would have stayed in office 'til someday there would have come a schism which would have destroyed me, I don't know. It never occurred and I was fortunate.

Wartime Legislation Concerning Japanese

Carter: Now, for instance on this Japanese legislation, and there was quite a bit of it during that World War II period. There was quite a (what I call) hysterical reaction by the legislature to protect the people from the Japanese. Actually, the Japanese needed protection from the people, in my own view, and I said that right out loud.

Fry: Is this when they were first being removed from the coast or later when they were being brought back?

Carter: Well, not just that. We didn't have anything to do with relocation. That was a federal operation. I protested that as an individual-- but I had no power there; I was speaking ex cathedra, so to speak, out of my--just as a person in public life. I was one of the few.

Fry: There weren't very many.

Carter: I didn't think that was very wise, but--

Fry: Was this, by any chance, on the floor of the senate?

Carter: No, we didn't have that kind of argument. The way the issue developed on the floor of the senate would be when these kinds of things would come up-- For instance, there would be a bill come in to make it ineligible for any person of Japanese ancestry to get a commercial fishing license.

Fry: Yes, that was a--

Carter: Later, that developed into the Takahashi case. I guess I was the only member of the senate that voted against that. I don't know if I was the only one, but I was one of the only ones.

Fry: You were pretty lonely, at any rate.

Carter: Oh, it was a pretty lonely place at that time. As a matter of fact, that started out the way I described it: to make any person of Japanese ancestry ineligible, and I pointed out to the author of the bill that it was patently unconstitutional, right on its face, because it was an unlawful classification.

And he said, "You know you're right." So then he made it any person of Oriental ancestry.

And I said, "No, you're wrong!" So, he didn't lose his amendment. When that amendment came across the desk, I walked over to him and I said to him, "Now you've really done it. You know what you're doing? You're just throwing out our friends as well as our enemies." I think I had a check made, and there were some three hundred commercial fishermen who were of Chinese, East Indian, Lascar, Filipino, and other Oriental ancestry, who were in our commercial fishing fleets. I said, "Those people are fighting on our side! What are you trying to do to them?"

"Well, it doesn't make any difference. We got to get at the Japanese." There were quite a few Japanese in the commercial fishing fleet.

I said, "I'm going to oppose it, but I don't know if it's going to do any good. You're closing the barn door after the horse has gotten out. But there we are."

So, it was this kind of a relationship that I went through. And then there were the alien land laws, the Ota case I think it is. Starts with "O" anyway. I'm happy to say the Supreme Court declared all of this legislation unconstitutional. In one case, the Takahashi case, the Supreme Court of California declared it to be constitutional, but the Supreme Court of the United States reversed the Supreme Court of California, and at that point I always thought that was correct.

I remember I argued very vehemently with my dear friend Clair Engle, who was then in the California legislature, who just said, "Gee, how can you separate the Japanese from the rest?"

And I said, "Well, have you ever stopped to think that people of Japanese ancestry are people? Have you ever stopped to think that they're in this country and many of them are loyal Americans?"

"Well, I know, but how do you distinguish the loyal American from the subversive one?"

I said, "Don't you think we can find that out sooner or later?"

Carter: He said, "Well you're putting the whole country to a great risk if you do that." And he just didn't think it was worth the risk.

And Earl Warren was the same. This was where Earl Warren and I disagreed very strongly. I remember one day I was on the way to Washington, and we were both on the train. I argued with him for almost half a day about the Japanese bills that he had signed. I said, "Governor, I think that was a great mistake." He was quite vehement in his affirmative position on that.

Fry: There was a 1945 bill--I think this is the one you're talking about--after the Japanese had already returned, which appropriated several hundred thousand dollars for the counties to investigate violations of the alien land law.

Carter: That's exactly right. But there were some bright spots in this picture. The then attorney general, Bob Kenny, was very strong in his position that this was all unconstitutional. And I remember when they were threatening in Auburn, California, to burn out the Japanese, he said, "The first man that carries a lighted torch is going to be in jail." That was the words he used, and he put a stop to it right then. He didn't waste two minutes, and he was tough about that, and he held his ground, and he made it stick. I thought he showed great courage, because it was a very unpopular stand.

Everybody was against the Japanese. "They're Japs, aren't they?" This was the philosophy that was being used. And I was told by my dear friends, "Look, do you want to ruin your political career?"

And I said, "If it means ruin of my political career, then I'm ruined. That's the way I feel."

Fry: Did you get support from any outside group that opposed the stand being taken at that time by Associated Farmers of California and other pressure groups that were behind it?

Carter: Behind what?

Fry: Enforcing the Alien Land Law, and then, earlier, behind--

Carter: Did I get any support from them?

Fry: No, did you get any support from other groups? In other words--

[Tape 5, Side B]

Carter: To repeat: I had a friend of mine in the legislature come to me and say, "Look, don't ruin your political career over this. It isn't worth it."

Carter: And I said, "Well, if it ruins my political career, then it has to be ruined, because that's the way I feel. I have to do what I have to do."

The man who was talking to me paid me, I thought, a very high compliment. He said, "You know, if that is the way you feel, then you must do what you're doing. You keep it up." He was very--sort of saying, "Well, you're toying with great danger." He was a very thoughtful man and a very knowledgeable man.

Fry: Was this someone back in your district?

Carter: No, it was a fellow senator, a Republican, and he was quite--he thought he was being quite helpful, and he was, because he said, "Well, if you really feel that way, and you're not just making some sort of a show, well then I know you have to do it. You just do what you're doing. Don't quit."

Fry: What about the reparations legislation? Do you remember anything about that? We've been able to find one bill that I think was 1951 for some reparations, which was after you were gone, and that doesn't mean that there weren't other bills, but it happens to be the only one we've run across.

Carter: Well, nobody talked about reparations. That is, from us to them--

Fry: To pay them for their losses on their farms.

Carter: Well, I don't remember any of that while I was there, and if my memory is bad, why it's bad. In my present memory, there was none of that. As a matter of fact, nobody was talking reparations at that time. They were talking about--the other part of it that disturbed me very greatly was that I saw it as some very venal people who were attempting to get what was quite valuable agricultural property--get control of it--and this was--this made me sick to my stomach.

Fry: Who did get control of it? Were these large farm owners or just--?

Carter: I don't know. I never had made that careful a study of it; it got out of my orbit of activity after that and I never got back into it.

Fry: Well, who was trying--what class of--

Carter: Well, I thought I saw local people who were land-grabber kind of guys that were just not the kind of people that I wanted to see profit by that kind of an operation. They were destroying--attempting to bring pressure on them to get this legislation to get the Japanese out of there, not because they were really hostile to the Japanese, although they may have been, but I think they were really more motivated by the desire to make a buck on the Japanese land. They saw a chance to make

Carter: a killing on the Japanese land. This, to me, was very sickening to see that develop. The potential was always there, and it's always there in that kind of a situation. It's so patent that it's wide open for anyone to see.

I, other than to oppose the legislation, however--and I think I did talk once to the Japanese-American Citizens [League]. But I had very few conversations with Japanese.

The other thing I should say is that I didn't have a single person of Japanese ancestry in my district. Not a single one. Had a few people of Chinese ancestry but not a single Japanese. And our people were going to war, fighting the Japanese just as well as the people in the other districts. We had a great many people overseas doing that hateful thing of getting all that area back, getting the Philippines free, and so on. This was a very tragic thing. It was the sort of thing where people were saying, "He's pro-Japanese." I really thought I was pro-American, because I thought those Japanese who cast their lot with us were Americans. That took some doing.

Fry: That talk you had with Earl Warren on the train, it's not clear in my mind, was that concerning the evacuation of the Japanese or was it--

Carter: Well it concerned the whole situation. The evacuation certainly was involved. But it was not necessarily the evacuation. It involved the state legislation, which was simply an added thing to the evacuation. The evacuation was a--

Fry: The Alien Land Law legislation, the fishing--

Carter: Well, the Alien Land Law, the fishing. There were a number of other anti-Japanese types of legislation that came along. There were maybe a dozen different bills. These super-patriots, or "patriots," (perhaps I'm overstating the case) were rushing out to challenge the Japanese. Everybody wanted to get on the roll call and make a popular vote. I couldn't see it that way.

Fry: Was Warren actively supporting these bills?

Carter: I say actively, I don't think he opposed them, and he signed them when they got through. I did everything I could to point out the unconstitutionality of some of the statutes, and some of them were absolutely unconstitutional.

Fry: In the conversation you had with him on the train, do you know what point in time that might have been?

Carter: Well, it was in the period of time I was going back to Washington to testify on that water legislation before a Senate committee. I could have been going back there just to confer with Department of Interior people, but I was going back on that kind of business, if my memory serves me right.

Fry: So, it was after the war?

Carter: No, it was after the war started. It was before '45, and it was before '44. I think it would have been around '43. That's when you would have had most of this legislation, because the '41 session was already concluded when Pearl Harbor happened. So it would have to either been in the special session of '42, or the regular session of '43. My memory isn't--

Fry: Well, some of it was really late. Some of it was quite a while after they were already returned. Not the fishing boat, but that Alien Land Law legislation--

Carter: It seems to me the attitude changed considerably over that period of time. There was considerable reaction about the Alien Land Law as distinguished from the fishing licenses. I think there was considerable opposition to the Alien Land Law legislation. Members of the senate, at least, and I think also the members of the assembly, some of them-- saw the very drastic hardships of that legislation on some very decent people. They weren't very happy with it. Now that wasn't done very easily, although it was eventually passed.

Fry: By that time you had a different attorney general too who could really see that the Alien Land Law was enforced, even though it was going to be unconstitutional.

Carter: Oh yes. Well, I merely mentioned what I mentioned because this is the impression I have about that--

Fry: Well, that's the general--

Carter: It's become a little dim with age.

Later on, I had an interesting experience where I came into contact with one of the people who'd been active in carrying out the order to relocate. The question was whether or not that person should be recommended for further federal appointment. I never could feel that I could recommend that that person should be advanced, because I'd always had a question as to his judgment. He did almost too good a job. And when I say too good, he was too hard-boiled in the type of job he did. I thought he showed problems of [lack of] humanity.

On the other hand, I think in the relocation centers, if it were not for some of the operators of the relocation centers, for instance, like Dillon Myer, who tried to be quite humane--

Fry: He was the federal head of it all. There was Cozzens who was in charge here in California.

Carter: Yes, and these were very humane people, but they only had limited power. And they were doing dirty work. While some of the Japanese I've talked to since give those men a lot of hell, if I can use that term, I always thought their attitude was one of great humanity towards those people. Because they were doing a task that had to be done; if it had been done by a person who was arbitrary--

Fry: And basically anti-Japanese.

Carter: Yes, then it would have been a very unhappy situation--worse. I don't think the Japanese got that significance, because whatever happened to them, they were very bitter about it, and I don't blame them. It's hard to explain to a person that suffered that kind of a loss that they got the best deal they could get under the circumstances. But that's not an answer to them. They got a bum deal! Now, that's about all I can say. I always had that feeling--it was kind of like they were spitting in the wind and got it back in the face.

XIII LABOR'S FRIEND (SENATE LABOR COMMITTEE, 1945-1948)

Background to Pro-Labor Attitude

- Fry: Do you want to go back into a labor story? You told me on the phone yesterday that before 1947, Jack Shelley was more or less the leader in the senate on it.
- Carter: Yes.
- Fry: Then you took over in '47 after he had--
- Carter: Yes, because he and Bob Kenny, who was state senator from Los Angeles, were the two principal spokesmen for the labor position. Kenny was an attorney and a very able one, an ex-superior judge and a man of great liberal philosophy, and he was a very bright man. He had great capacity. He was not the greatest orator in the world, but he had one of the greatest minds I think I've ever seen. I think I said earlier, there were two men in the legislature that I met, one was Hatfield and the other was Kenny, who had that kind of a mental capacity.
- Fry: Kenny was leading in labor very early, because didn't he--
- Carter: He was only there during the '41--
- Fry: Because in January of '43 he became attorney general.
- Carter: He was elected attorney general during the 1942 election. So, my experience with him as a legislator was just for one session, but he was certainly a very competent man. And then I knew him so well that I kept track of him afterwards. He was a man of great ability.

Well, in any event, in that first session, I suppose I learned most of my ABCs of the labor philosophy approach from them as to the background of labor legislation, because I just simply had no experience in this area. And I just sat and listened, having had the philosophy that I had, which I suppose I picked up from my education in college and so on, and the general attitude about the right of labor to organize.

Carter: I think maybe it stemmed from my father, who always felt rather favorable to the working man's position. Not that he ever preached to me about it, or anything of that sort, particularly when I was in the legislature. He was a--you know, just in general conversation he always expressed himself. When he was a young man he was involved in labor disputes, not as a leader or anything of the sort. And in ways, he was one of those persons who was out of a job because there was a labor dispute going on in the old streetcar strikes and things of that sort in San Francisco. He worked for the old United Railroads while he was going to law school. But he was not a member of organized labor himself, nor was I. I've never been a member of a labor union in my life. The only organization I've ever been in is the California State Bar Association and other legal organizations. I don't join. I'm not a joiner.

Fry: Your labor record is just spectacular.

Carter: I don't know that that's necessarily so. I never even read their record about it.

Fry: You haven't even seen it?

Carter: Well, I never worried about it, because I just did what I thought I should do.

Fry: Well, here's 1945; I'll bet they have you listed here. I may not be able to find it right away.

[tape malfunction]

Unions in Shasta County

Carter: As I was saying, the thing we tried to do there in Shasta County, because that's the only place there was a labor vote--there was almost a nonexistent labor vote in Trinity County. And Trinity County was a small county population-wise. Although it was a county in which my father was born, and I spent a great deal of time as a youngster there myself, and I knew those people. They were principally mining people, and recreation people, and small businessmen, and that kind of person, and some farmers.

Shasta County, in terms of population, was a larger county and had a bigger work force, particularly since Shasta Dam had been started and was in the process of being constructed. This work force was almost completely unionized. There were other union organizations in the community which were active, and so you had--and this was

Carter: essentially centered in the Redding area. The rest of the county was made up principally of agricultural interests and mining interests and forestry interests--although the forestry had not yet come into its operation to any great extent yet. It wasn't until into World War II that the forestry industry started to produce from the standing timber. The standing timber was always there, but they didn't build the plants, they didn't do any of those things until after 1943 or '44, and it just kept coming. By the time I went out of office, then they were quite active.

So, there was quite a change in the labor structure from the beginning of the time I started service in 1941 to the time I went out, from the construction force for the Shasta Dam to the lumber mill workers. These were different people then. They weren't the same people--although there were some people who switched back and forth.

There was also a considerable recreation area in Shasta County, and a portion of the population was involved in carrying on that activity. And the other thing that you had to bear in mind was that one of the future employing areas was recreation. That was a growing thing. It still is, and it's now coming into its own as one of the principal areas of activity because the lovely resources of that area are just going to attract people, that's all.

So, you had to recognize that you had to get transportation to get people to and from that area, number one. Number two, you had to then keep the people who were there--the diverse relationships, that is the labor unions and the small farmers--talking to one another so that they would be friendly. And actually, they got along rather well in our community. They were not that hostile. You had your normal frictions that developed in that area, but you get certain farm leaders to sit down with labor leaders and make them get along.

Fry: You did this in your district?

Carter: I just said to some of the big farm people in my district, "Look, you better sit down and talk to these guys because they're here, and they're here to stay. I know you and you know me, and it seems to me we ought to get along around here." They thought that was a pretty good idea. I said, "Why don't you try it; they're good guys."

Fry: So, you had an encounter session?

Carter: It was just personal--Joe Doakes getting to know Joe Doakes. They knew them anyway; it was a small community. Instead of being hostile to one another, why they got along pretty well. So it worked, and it worked pretty well, and it made a congenial, mobile, useable political force. This was the crux of the Democratic coalition up there, and

Carter: that's why we got such a good Democratic thing going up there. You just picked your leaders from both sides, and say--

Fry: It interests me that you said it was a Democratic coalition. This was not bipartisan, then?

Carter: Oh no.

Fry: Were you a bipartisan person?

Carter: No, no, I was a Democrat--

Fry: You didn't run on both tickets?

Cross-filing and Make-up of Legislature

Carter: Yes, I did, but I was a Democrat with a big "D." While it was common practice to cross-file in those days, particularly if you were an incumbent, even if you weren't an incumbent, you did it out of self-protection. But up there, we took our partisan positions. My opponent said he was a Republican and I said I was a Democrat, and we didn't bandy any words about it, nor try to hide it from one another. You see, this is after Franklin Roosevelt had been in office for some time. Franklin Roosevelt changed the political character of that country a great deal.

Fry: Oh, really?

Carter: It used to be, when I was growing up, more Republican than Democratic, but it was then and is now predominantly Democratic.

Fry: Because of new people that came in or people who changed their minds?

Carter: In part new people and in part the Depression caused a great many people to change--that's number one--the Great Depression. This was the most dominating force in the lives of those people. They just simply reached down and they said, well they're going to have to go with the people that are helping them. This was a basic reaction to that. It was only the strongest people that stayed with the Republican party.

Fry: So you felt quite safe in being an outspoken Democrat--

Carter: Oh. And I later became the party state chairman. You had to be. My father had been a Democrat. My best political supporter was the other leading Democrat. I never dodged that issue.

Fry: It's my impression that Republicans were much more visible in the bipartisan approaches they attempted because they were the ones who had the least registration. [Laughs]

Carter: I don't know who were the ins and who were the outs.

Fry: Well, they were always the outs in registration. Some of the Southern Californians--

Carter: No, when we started they were the ins.

Fry: I know, but in the forties they were the outs.

Carter: Yes, they were, but in terms of occupancy of the legislature, they were the ins.

Fry: They were always the majority, that's right.

Carter: Exactly. And I used to ask myself. I was one of the few--one of the few--one of the larger minority group, that is, the Democrats as compared to the Republicans in the state senate. I think we had something like twelve Democrats or thirteen at our lowest ebb, and then we got it up to seventeen or eighteen by the time I left, maybe even nineteen. Then it got up to where in the early '50s it switched over. That's how long it took for the political character of the legislature to change. Whereas the political character of the party registration of the people had changed back in the thirties.

Fry: By 1936--

Carter: Along about 1936--and it got stronger and stronger as time went on.

Fry: I hope we can have a good long talk about the Democrats as a party organization.

I was going to ask you about that hot cargo bill and the jurisdictional strike--

Labor Legislation, 1947: Outlawing Secondary Boycotts and Jurisdictional Strikes _

Carter: Well, let's talk about that hot cargo and then we'll go to lunch.

I don't remember that hot cargo issue specifically too much, but I do remember it. I do remember I opposed it, because I could oppose. But I did not oppose the jurisdictional strike bill, the anti-jurisdictional

Carter: strike, because I thought the anti-jurisdictional strike was--and I admit when I make that statement that it's hard to separate them theoretically when you get down to the final analysis. My memory is that I made that distinction on the basis that the hot cargo was not a secondary boycott in the way that bill was written.

Fry: Oh really.

Carter: Yes, the kind of hot cargo they were talking about. Now, if you use hot cargo loosely, you can talk about a secondary boycott, but if you're using the secondary boycott, it's more than hot cargo. It's much more than hot cargo, if you're using it as a term, in my opinion. Hot cargo is just one specific kind of boycott, and it may be primary or secondary.

Fry: I see. Can I read you this little article from Pete Phillips from the June 24, 1947 Bee describing this briefly. It says: "This law," (I believe this was Hatfield's.)

Carter: Yes.

Fry: "gives permanency to the wartime anti-hot cargo law, prohibiting all secondary strikes, secondary boycotts, sympathy strikes, and picketing in support of any of these activities."

Carter: Now that you mention those, I probably voted against hot-cargo too, then, because if that was it, I did, because that was the principle I would have carried out. You see, already my memory has started to slip--

Fry: When you say you voted against hot cargo, do you mean you voted against the anti-hot cargo bill?

Carter: Yes.

Fry: We've got two negatives in there.

Carter: That's right, I voted against the anti-hot cargo bill; I voted against the bill.

Fry: I sort of wondered too, you were almost a protegee of Hatfield in that legislation on--

Carter: Well, that wasn't just because it was Hatfield. It didn't make any difference whether it was Hatfield or Joe Doakes. It was the way it was put that bothered me more than it was the ultimates in it. And I thought the mechanics by which this was accomplished was wrong.

Now, the other thing--However, I remember I did discuss the secondary boycott and the jurisdictional strike with Neil Haggerty and Charlie Scully--Haggerty being the then state secretary of the

Carter: AFL and the chief lobbyist up there for the AFL; Charlie Scully being one of the attorneys for the union, who was also there as an advisor and an assistant in a legislative representative capacity.

And I talked to others in that labor field, and I just simply said to them, "Look, I cannot honestly justify the secondary boycott and the jurisdictional strike. I just cannot do it. Even though I feel strongly about many other issues in favor of the labor position, this is one place where I can't go along all the way. I have to understand this philosophy very, very clearly before I can do it." And they talked to me for some time, and I thought the explanation that was given to me was not very convincing, in the sense that it produced any sense of justice in the relationships between the employer and the employee, and the innocent employer was caught in this bind in this kind of a secondary boycott situation.

So, I was always very, very--not only reluctant but--very resistant to supporting the labor position in that kind of a situation.

Fry: On the jurisdictional strike, did you find, by any chance, that labor's position on this was not a particularly hard one in the years preceding '47, but then in '47 it suddenly congealed and this became a very hot issue?

Carter: I don't have any real memory on that. I know that it developed in '47. I think that the issue became more prevalent because of the pressures of the employer group, or the business interests, or however you want to classify them. They were the more--they were the ones that caused this discussion to come into existence, and caused the issue to be presented. It was their pressure, not the pressure of labor. Labor wasn't trying to stop something--that is, trying to repeal something that had already been done. They were trying to prevent the passage of a bill which they considered to be destructive to the cause of labor.

Now, a part of this arose from the change in attitudes in the National Labor Relations Board, for instance--that is, the employer attitude. I think they were feeling they couldn't get justice before the then NLRB in a head-to-head battle with labor in that kind of a situation. It was too one-sided. It was too stacked against them. I think this was involved in that. So they felt that had to have a state vehicle to accomplish the same objective.

My own view was that there should be no state position in that kind of an area, really; that was a matter that should be controlled by federal policy rather than by state policy. As I now see it, it was the beginning of the development of the idea of the supremacy of the federal government in this area to the exclusion of the state government to regulate this kind of an area.

Carter: I don't think I articulated that very well at that time. But at least I sensed that, and I--it was a part of a whole picture. But basically, I'm fundamentally opposed to the injustice of that kind of a strike or that kind of a labor practice. So, I suppose I looked to the end result and said, "No, I can't stand for that," and that's why I could not support that.

Workmen's Compensation

Carter: I remember a number of other things we had--I don't know that I remember them serially or in any organized form, but there were a great many workmen's compensation bills that I had authored myself, number one, or that came over from the assembly which I supported that improved the condition of labor in the sense that it gave them more compensation for more time. There was a relaxation in the workmen's compensation--to try to get the workmen's compensation with the increase in the cost of living that had developed out of the World War situation and all of that. The whole business of trying to make it relevant to the working man and mean something to me.

Also, there was work to extend workmen's compensation into more fields. I know I did a great deal of work in the area of municipal coverage and that kind of coverage. For instance, it was during that time that we got the heart trouble and pneumonia bill for firemen. This is a condition that is quite prevalent among many in the fire service. I know the California State Firemen's Association was very strong for this kind of legislation to require that that kind of disability be covered by workmen's compensation. Up to that time, according to the rules of the industrial accident commission and the then law, it would not cover except under most unusual circumstances. So, I know we got that through.

For instance, we had a number of bills on lung-respiratory diseases which come from the breathing of the dust in industry or in occupation, and we got those covered. Theretofore, there'd been some difficulty in that area, if my memory serves me right. There were a number of areas of this kind.

Fry: This also was where Earl Warren finally got some of his health insurance coverage accomplished by expanding workmen's compensation so that it would include hospitalization. Is that right?

Carter: Well, they didn't do it in that session.

Fry: Maybe in '45--no let's see.

Carter: No, the workmen's compensation act always carried with it hospitalization for a man who was injured on the job. It always did, long before Warren--

Fry: That's right, it wasn't new. He broadened the coverage. It included just plain illness.

Carter: Well, that may be; I remember that one, but it could well have been.

Fry: It could have been '49.

Carter: Yes, it could have been later, but nevertheless we had a number of things that came along in that category, which we were able to get through. The legislature was receptive to that kind of a thing at that time. If you remember, we were dealing at a time when there was more money available. And we were dealing, hopefully, with the idea that it was always going to go on, it never would run out. It hadn't changed by the time I left.

Fry: You still had not had to raise taxes from a 1943 level, according to my notes.

Carter: That's another story I can tell you. Warren was the most blessed person. By that I mean in that sense--that is, he had good fortune shower on him a financial situation that could not have occurred except under those special circumstances. And he happened to be the fortuitous beneficiary of that kind of thing.

You see, what happened from 1942 on, was the state sales tax, gas tax, income tax, and the other motor vehicle license taxes, and so on, all just simply expanded and grew fantastically. Now, this goes back--I don't know but whether I've talked to you about this before; I think I've mentioned it, didn't I?

Fry: The Christmas Tree bill.

Carter: Yes, the Christmas Tree bill. Well, I won't reiterate that, because this would simply be a reiteration. But it continued all through this period of time. What I said about the growth of income and the ability to estimate how much we were going to have continued right on through this period of time. And they were having great difficulty in telling how much money they were going to have to spend six months ahead. It kept coming in so fast and more than they could estimate.

Fry: It must have been a marvelous problem. Everybody should go over and meet Professor Paul Taylor--

XIV PENAL REORGANIZATION

Deuel Committees and the Department of Corrections

- Fry: In your work on the Deuel Committee, which was when you were younger in the senate, you inspected the prisons and went around with the committee. What was interesting to me and might be helpful to future researchers is the distinction of the two different Deuel Committees.
- Carter: Senator Deuel was involved in more than one correctional activity, let me put it that way. He was on the governor's committee and he was also a chairman of a senate committee. When I refer to the Deuel Committee that I was on, I'm referring to the senate committee, which was either created in 1941 or '43--I think it was '41 however. The membership was Senator Deuel, Senator Swan, Senator Gordon, myself, and I think Senator Keating; but I'm not sure whether it was Keating or some other senator. But there were five of us, and we went to various of the prisons of California under the then-system.

This was before the Department of Corrections was created, and it was before the adult authority had been created and before the Deuel bill was passed--the Deuel bill was passed in '43, if my memory is correct. Along with the study of this committee, and with other work, Senator Deuel authored the bills for the reorganization of the corrections [penology] department, which created a Department of Corrections which reorganized the prison administration structure--created a department of corrections and officer of director.

- Fry: And that was an extraordinary session early in 1944.

[Tape 6, Side A]

- Carter: Well, the correctional system always has a great problem in its administration, because really you never fully solve anything. When you create the system to attempt to solve one problem, a great many others develop, and they become then the new problems of the day.

Carter: This is a never-ending process which makes it an almost hopeless task to approach. I say post-legislative experience. Mainly in the judiciary where you see the prison system working in the other way. This is not too happy a field of administration. I've seen some fine administrators in prison systems--men who have done what I thought improved conditions. And I feel that there are still improvements being made, and it's going along. But public apathy, which is something you only overcome in quite distant cycles, quite far apart, it doesn't come continuously, and it doesn't come consistently. It just comes when things get so bad that you have to do something about it. Then you go ahead and do what has to be done. Whether it's good or not depends on how well the people who are doing it are able to handle it. You get all kinds of problems.

But it was a very difficult area. You see, through the thirties, there was a great deal of prison unrest in California. When I got to the legislature, I got there just when they were in the process of doing something about it. I think what I saw was simply the culmination, or coming to fruition of the end results of the work of many years of men interested in the field who were trying to bring about what they deemed to be progressive change. What I saw I thought was well conceived. Good men were trying to do it, and it did work--for a while. How well it will continue to work will depend on how well it's administered.

Fry: You mentioned that your experience on this committee had some effect later on. Do you want to go into that?

Carter: Yes, I certainly learned a great deal about attitudes of prisoners. My opportunity in talking to different prisoners, with other senators or alone at times, with people whose names were drawn by lots (they weren't prepared in any way). [Their names] came out of the files and then we'd get the files and look at it and call the prisoner in and talk to him. We got a lot of interesting responses.

That left a lasting impression on me of what prison does to a man. I saw how it causes men to change over the years. And there are all kinds of attitudes that you see develop in individuals. So it was a very valuable experience. I've never forgotten that--seeing those men in both San Quentin and Folsom. Their recitation of how they felt was quite bitter.

We got a more frank and open discussion from San Quentin, because I felt the attitude there was: there won't be any reprisals or anything of that sort if you say anything contrary to the institution there. They felt that; they felt they were free to speak. Whereas at Folsom, they were a little concerned about whether they could speak and to what degree they could speak freely. Some spoke freely anyway and others didn't, but that was always hard to tell.

Fry: What attitudes did you see develop? What was typical?

Carter: Well, for instance, the main thing I think that most prisoners were interested in was getting out--"When am I going to get out? How soon am I getting out? What are my chances?" Not always with the idea that "I didn't do anything wrong and I'm in here as an innocent man." As a matter of fact, most all of them were very frank to say, "I'm as guilty as can be, and I'm serving my time. But when I get out, I just want to be able to make it." The idea being that they were more anxious to gain some sort of capacity to be able to confront life when they came out of prison.

It was in this area that I was strongly impressed, and it imbedded in my mind the importance of not having men in prison too long because they lose their touch with the outside. They lose their capacity then to be effective in society. If they're out too long, they feel so dis-oriented they can't get back in. It's a whole psychological problem. It's a tremendous thing for a man to come out of a prison life of isolation and come into that glare of the so-called free life. First of all, many of his inhibitions are released. He doesn't really have control of his own emotions. He's got all kinds of personal problems in dealing with different things.

For instance, television came in when some of those men were in prison, and they'd never seen it until they either saw it in prison or-- They never had the free use of a television set to use it as they wanted or the way they wanted. They'd never used it for educational purposes before. Now, it's more settled, but in those days they didn't. They didn't know what it was. Television was just starting to come in '48. The radio, of course, was well-entrenched. These are means of communication to get people oriented with outside life.

Then, the things that come over television, to a prisoner, are quite different from what comes over to the ordinary citizen. The ordinary citizen is able to evaluate, equate, and adjust what he sees on television with what he knows actual outside life to be, because he's in outside life every day. Whereas the prisoner can't. He only sees what purports to be a showing of what occurs on the outside. How much of a cross-section that gives him, he never knows.

Fry: Getting acquainted with reality through television isn't terribly effective.

Carter: Well, it has a lot of limitations. Those kind of problems are there. They were there with radio; more so now they're with television. So, the man who comes out has to have a great deal of stamina to be able to make it; otherwise he's going to commit a crime and go right back in. The attitudes are that they would prefer to be in than out, psychologically.

XV OTHER LEGISLATION

Usury Bills, 1947

Fry: We might move on here to some other legislation I've noted. For instance, in the 1947 session there was a lot of effort, to judge from the headlines in the Sacramento Bee, to get some kind of usury legislation on small loans and limit the interest rate to ten percent. This got hung up in one of the committees that you were on. In '47, your committees were elections, finance, fish and game, judiciary, labor, and natural resources.

Carter: Would it be in judiciary?

Fry: It might have been.

Carter: Or finance.

Fry: It may have been finance. But it had passed the assembly and had come over to the senate. The senators didn't want the ten percent figure, and you were the one who offered the amendments to restore the ten percent figure. Do you remember that?

Carter: I don't remember that, but I'm sure I did. It sounds like me.

Fry: Yes, that's probably something you would do.

Carter: I think it was an attempt to get a better deal. I remember there was an argument about usury, but the details of it-- That had been going on much longer than that.

Fry: Yes, I think the major legislation was in the late twenties. But this was to cover loans that were larger than three hundred dollars.

Carter: Yes, and then Shelley had a number of loan shark bills before he left, and then Senator O'Gara, who succeeded Shelley, also had some loan shark bills which he supported and tried to get through. And if he

Carter: didn't get his own, he tried to bring up the assembly bill. You see, that was usual; they had companion bills--one on one side and one on the other. All depended on which side moved first.

Submerged Oil Lands

Fry: What about the submerged oil lands?

Carter: Well, oil was not an area in which I was too active--in this sense--

Fry: I wondered if you were.

Carter: No, I saw some of it go by, and I had some questions once in a while. But there is no oil land in my part of the state, and I don't think much possibility of oil. Consequently, we were not concerned with either taxation of the oil produced, nor were we concerned with the management of the ecological condition of the land by reason of the oil operation, whatever that may be. We had no refineries; all we had were storage areas. You had those every place in the land; that was no great problem.

Fry: This, I thought, might have come before the natural resources committee--

Carter: Well, it probably did; it certainly did. And I remember some legislation did come by--

Fry: This was right after that Supreme Court ruling that held that the lands were the property of the federal government.

Carter: Oh, I know that, and they had all kinds of things, and those fellows in those areas, like in Kings and Kern and Fresno and Los Angeles and Santa Barbara [Counties]--these men were all interested in this. My policy there was, first of all, not to get into an internecine war with them and not get into their fundamental areas of operation, because I had no special interest of my own. So, I really left that alone pretty much, other than to just vote on what I had in front of me, and call it as I saw it. I didn't do anything--I never took a lead in it, if that's what you want to know.

More on Labor Legislation

Fry: What we didn't go into a while ago under labor was how you happened to get into the leadership position.

Carter: All right, I'll discuss that. I'll just put it down. Well, in the labor situation, what occurred there is that in the early years when I was down there, in '41, '43, and '45--Senator [John F.] Shelley and Senator [Robert W.] Kenny were state senators--Senator Shelley of San Francisco and Senator Kenny of Los Angeles. Although Kenny wasn't there all of that time; he was only there part of the time. Both of those men were outstanding men in labor legislation, and from my point of view, I let them lead insofar as that area of activity was concerned.

There were a number of other pro-labor people around, like Senator [John D.] Foley of San Jose in 1941, who later was appointed to the bench by Governor Olson--the superior court bench in Santa Clara county. And then Senator [H.E.] Dillinger from Placer county, quite often--Senator [Chris N.] Jespersen from San Luis Obispo County, a farmer, was quite willing to listen to labor's position although he didn't always take their position. And others with greater and lesser degree of interest, but these were the principal pro-labor men. You didn't have many pro-labor votes in that house.

But when we got down to the year 1947, both Shelley and Kenny were gone; there was nobody there, really, to articulate the labor position. Oh, also, through 1945, Senator [John Harold] Swan of Sacramento was very strongly pro-labor in his point of view. There were others. But in any event, coming back to '47. In the '47 session I'd been there then from '41; I had had three sessions. I'd had enough experience-- I'd had some advocacy experience as a lawyer. I knew generally about the labor problems, and so on.

When I was asked by Neil Haggerty of the AFL to argue some of those anti-labor bills and some of the labor bills that were of the labor position--even though I hadn't introduced very many of them myself (although I'd introduced some)--when he asked me to do it, I said to him, "Gee, I have a great feeling of inadequacy. I don't know that I ought to be doing this in terms of my own political future, but that is secondary. My basic problem (the one I mentioned first) is that it's a very difficult area to be an advocate in unless you know the details of it. And I don't know the history, I don't know the background of all these items of legislation. Others are better acquainted, and here I am, one of the youngest men in this house, and it's not a very strong position from which to make arguments in areas where the legislators are moved by strong convictions one way or another. You have to meet those kind of things with very sound arguments; if you're going to persuade that kind of a man, you have to have something to persuade him with." Well, I was very reluctant to get into that position, because I doubted the quality of the advocacy.

And he said, "We'll help you get yourself educated on these matters." Oh, and the other thing was that I had already agreed with Senator Hatfield to help on that highway bill, which I was not on-- I was not a joint author at that time.

Fry: More like a floor manager?

Carter: I had to do a number of things on that. And finally I had a water program of my own, which I was very much interested in and which was quite pressing at times. I wanted to get some time to do those things. So, you have to divide your time up, and I knew that I wasn't going to have too much time to put in on these labor things.

"Well," he said, "you've shown enough talent on the things that you have been interested in."

And I said, "But actually speaking, I've only taken a position on the things that I know something about, like workmen's compensation or like firemen's legislation, which is an area where I have peculiar understanding of the background, and so on. And in other areas in which there are certain labor interests, I've had what I had to say, but I don't think it was too illuminating. But nevertheless, for what it's worth, I'd said it."

The point is that I was so reluctant to get into it. And then when I saw how many bills there were, I was kind of shocked at the problem I'd undertaken when I'd told him I'd do it. I went back to him, and I said, "Neil, that seems to me like it would just be almost impossible to do and do the other things I have to do. And I think you know what I'm talking about."

He said, "Oh, look, we know the strain you're under, but you stay with us, and we'll work with you." He was a very thoughtful man.

Relying on him and knowing that he had some very competent technical assistance, people whom I could call if I needed them, I said, "All right, I'll go ahead, and we'll do it and we'll just meet these things as they come along."

And we did; we did the best we could with what we had. Now that's not to say that we were entirely successful in the senate. But my memory is that we were able to defeat those either in the senate or in the assembly, except for the two things--hot cargo and the jurisdictional strikes. Those two things went through, and they were pretty much loaded against the labor position. Fortunately, the supreme court subsequently declared them to be unconstitutional in whole or in part, as the case may be. One, I think, was in whole, the other was in part. This was a highly significant end result for a rather strenuous piece of effort that was developed in a rather short period of time.

XVI STATE ELECTIONS, 1946-1950

Gubernatorial and U.S. Senate Races, 1950

Carter: The governor did not veto those bills, and labor criticized Warren roundly for that. Then in 1950 they didn't support Warren for governor. They supported Roosevelt.

Fry: Whereas, they had supported Warren in '46--

Carter: I think that, in part, was responsible for it--it wasn't all the way. Of course, I'm inclined to think that labor made a poor judgment on that Warren decision, and I had nothing to do with it. I wasn't in any organized part of the labor movement, and I never sat in any of their councils. Nor did I make any of those decisions. So I don't know what went on in making those decisions. But I know that some of those men were quite disturbed that the governor didn't go with them on that issue. They felt you had to reward your friends and fight your enemies. This was their motto, which is as labor as apple pie. So they followed that philosophy (or that attitude), I thought, a little recklessly, or wrongfully, or erroneously, if that's better terminology.

Fry: You mean about backing James Roosevelt instead of Warren?

Carter: Yes, they should have seen that Jimmy didn't have a chance and that Warren was going to be reelected whether they supported him or not. Fortunately, I don't think that hurt them with Warren or Warren with them, really. I think while the organized heads of the labor movement turned thumbs down on Warren, the rank and file pretty much stayed with Warren during the election. At least, that's the way I read it.

I was, of course, trying to help Jimmy Roosevelt as much as I could, although he ran his own campaign. But by the time of the final election, I was out of it. Although I remember in that campaign there was some talk that I might try to run for election in 1950 for governor, and I talked to Jimmy about it.

Carter: Jimmy was a very, very personable man. He had a view that he was the only Democratic candidate who could get the Democratic nomination from Warren. I said to him then, before the primary election, I said, "Yes, Jimmy, you'll get the Democratic nomination, but you're going to lose the election. You're going to win the battle and lose the war. I think that's the situation. I don't know that anyone can beat Warren."

He said, "Well, I've got the best chance."

I said, "Maybe you have."

Fry: What were the issues that made him think he had such a good chance and that made you feel he couldn't win the war? What were his positions?

Carter: Well, in terms of Democratic party point of view, his path was perfect. He spoke in the right place at the right time, with the emphasis on the right syllable, and he did all those things correctly. But he had a great problem of building up public confidence. I think it was essentially that Jimmy didn't have any experience in public life in California. When I say public life, I mean by holding public office. And as a matter of fact, nor had he had any experience in office holding in any other place, before he came to California.

His only activity had been in the Marine Corps as a commanding officer in a military establishment, where I think he arrived at the rank of major, if my memory serves me right. He was a very able leader in the Marine Corps, and he was wounded at Tarawa, I believe it was, or one of those islands. He was a highly distinguished person. He spoke beautifully. But, he hadn't developed the rapport or the experience in relationships with the people yet, as an office holder. He hadn't done it as a state senator, or assemblyman, or city councilman, or some other area where they knew what he stood for and how he reacted in public situations.

Now, what I suggested to him was that he ought to do that for his own good. He was too good a political talent to attempt to go into the governor's office and lose it all in one fight. Whereas if he built himself, he'd almost be certain to get it, if he handled himself correctly. I recognized, and he recognized, that going the other way was slower, and there were more hazards in it. But if you do go through these public positions, you also get the record where the public would disagree with you as to a position you took. And you have to let the chips fall where they will; you can't determine that course. You just have to go as you see it.

Now, the other thing Jim tended to do was that he tended to make his statements fit the exigencies of the moment and not to hold a steadfast course all the way through. Now, he later went back and ran for Congress, and he was an effective congressman. And had he

Carter: done that and then, from an experienced congressman's position, run for governor-- The other thing Jimmy had was a little domestic problem, which he knew he had and which others knew he had, but which didn't pop out until during the campaign.

Fry: I didn't realize that came up during the campaign.

Carter: Oh, yes. That's one of the things that happened. This left him with a problem. That is, it was one of the aspects of it. There were many others later on that developed that were different in their context, but I'm talking about this one, where his then wife Rommel was unhappy with the political life or the public life. She wanted Jimmy to stay out of politics. That was essentially her view.

Fry: Did she make a statement to the press, or anything?

Carter: At one time.

Fry: Well, can we find it--

Carter: I think you'll find it in the public press where she made a statement. I don't remember what she said.

Fry: Did she attack Jimmy or did she attack the political life style?

Carter: Mostly the political life, at that time. Later on she and Jimmy had a very bitter and acrimonious separation.

Fry: But the separation didn't start during the campaign.

Carter: Well, it didn't come then, but it came not too long thereafter.

My point is that I was trying to get Jimmy to see it in the light that if he had any real opportunity to be succesful he had to wait. He had to go through the annealing process of standing the test of voting on the issues. The way I put it to him, I said, "Jimmy, you can't tell me how you're going to vote on an issue now. You can give me all the answers on political philosophy or political propaganda which you have, which are fine. But you don't know how you're going to apply that to a specific piece of legislation, or to a specific problem. Because the problem hasn't been presented to you. Until you have that--and how you do that is going to determine how you're going to be accepted by the public. And you have to come to grips with yourself before you can get that public response."

Fry: Was there ever any discussion of Helen Gahagan Douglas running for governor instead of running for senator?

Carter: No, not that I know of. She was always interested in being senator. And there again I, very regretfully, thought she was going to be beaten by Nixon.

Fry: Really?

Carter: Oh yes. I was always very much for Helen, and Helen was a very able person and a fine congresswoman.

Fry: I looked through her papers, which are at the University of Oklahoma of all places, and I was impressed with her grasp of the issues. She certainly educated her audiences. But she lost the campaign.

Carter: She was a very able person in her political activities as a congresswoman. She just did a remarkably fine job of representing her people, of dealing with the public questions of the time, and she was a very, very able person. Her word was as good as gold, and she knew what she was doing when she gave her word. It wasn't the kind of thing where a person says, "Well, I really didn't understand what I was doing." Because she not only understood what she was doing, she did what she felt she had to do. When she said it, she meant it. She did not back down or equivocate; she was consistent right all the way through. So, she was a very thoughtful person and a very helpful one.

But, I know, during that time I wrote to a dear friend who was in the Democratic party organization, who was angry with me because I had tried to get Sheridan Downey to run for re-election. So I wrote to him along this line saying, "Look, I'm aware of the argument that's going on between Helen Gahagan Douglas and Sheridan Downey. I'm also aware of the arguments that have been going on between Downey and the other Democratic people on the water projects and so on in this area, and I happen to be in an argument with him myself on that. But when you look at his record as a whole, he's a pretty good senator. He's very strong in his labor views. He's very strong in many other areas. He's been a pretty good senator. Now, he can beat Nixon, and my job as state chairman is to elect Democrats, not to preside over their defeat. Now, we might send a bunch of great candidates down to defeat, and I wouldn't want to do that discredit to Helen Douglas. She's just too good a woman."

Fry: You'd already lost Shelley and Kenny.

Carter: Well, they went out on their own though, in other areas of endeavor. They just weren't back in--although Shelley was back in the political picture and was very active. Then he ran for Congress and came back in, and he was a very effective congressman.

Fry: And mayor.

Carter: So he was always on the beam and knew what was going on, and he had a good relationship to what was happening. He didn't get disillusioned and drop out or do any of those things. He stayed right in and worked hard.

Carter: Helen, until her health bothered her, was a very active person. She was one of the finest persons I believe I ever knew. But her word was good.

Fry: Did you go back East with Bill Malone to try to talk--

Carter: Clair Engle and Bill Malone and I tried to get Sheridan Downey to run.

Fry: What was his health problem?

Carter: He had a bad peptic ulcer. The night we talked to him--the next morning he was in terrible pain. So his wife called us up and said, "What are you doing to him? Leave him alone."

So I said, "All right. I respect your judgment." I knew Mrs. Downey very well. I regretted having to do that, because she was such a nice person. She was looking from his health point of view, and she thought he ought to retire and get out of it, and he did.

He was quite hostile to Helen Douglas. I wasn't. I wasn't trying to get him to run to oust her. But I foresaw the Nixon victory coming and I didn't want that.

Fry: How did you know Nixon would win? He was just a congressman from--

Carter: From Southern California. I just figured in a head-to-head fight with her, state-wide, he'd beat her. This was a political judgment I made at that time.

Fry: Were you familiar with the tactics that he had used before?

Carter: I knew all about it and knew that therefore he'd use them on her, and it wouldn't be very pretty. It would be a very nasty campaign, number two. It would be a number of things. It would just leave a bad taste in people's mouths.

This is one of my problems in accepting Nixon today. I know what kind of a guy he can be under those kind of circumstances. I saw him under those two circumstances. So, while I know that he's now the president, and he says that he was a very young man--he passes it off as campaign mistakes--it's a little hard for me to take.

Personal Interest in Public Office

Fry: You were talked about as a likely candidate to run also in the 1950--

Carter: I wouldn't have done that, anyway, but I was talked about at one time.

Fry: Were you interested in running for either governor or senator?

Carter: Not senator, no; I wasn't interested in senator. I might have been interested in attorney general, although I never really explored it. There was a time when I was looking at the governor thing, but I never made up my mind, and I finally said, "No, that's not for me, get out of it." I had a youngster coming on to school, and I just couldn't afford it.

Fry: To be governor?

Carter: Right. I couldn't afford to be in any public office after that, other than one where I was being paid for what I did the whole time.

Fry: That was always a stumbling block, it seemed like then. I know to Earl Warren it was a stumbling block, too, with his six kids.

Carter: It was a stumbling block to all people of that age, that's right.

Fry: Last night I was doing some homework and saw that the governor's salary wasn't raised until '47 when it was raised from \$10,000 to \$25,000. Imagine a governor, especially Warren with six children, trying to live on \$10,000 a year. In those days that was really hard.

Carter: Of course, the cost of living wasn't quite as high in those days as it is now.

Fry: That was a real good salary at that time. But the fact that it was raised to \$25,000 in one fell swoop--

Carter: There's no doubt it was way behind what it should have been. It ought to have been raised, and I was very pleased to see it raised. I voted for that.

Fry: That same year the legislators' salaries were raised.

Carter: I must say I was a beneficiary of the increase in legislators' salaries. In three months it was raised from \$100 a month to \$300 a month.

Fry: For three months?

Carter: For three months before I went out of office. I had that distinction. I made it; I got under the wire.

Fry: You mentioned you were interested in the attorney generalship. I thought in 1946--

Carter: I was at one time--in '46, right.

Fry: Could you tell us about that? That's when Kenny ran for governor.

Carter: Yes, it was Kenny. I was always for Kenny for that job--when Pat Brown ran for attorney general.

Fry: Yes, the big, burning question is why did Kenny run, and how did Pat Brown get in as attorney general?

Carter: Well, I sat in on those conferences, and I talked with Pat, and I said, "If you really want to run, run. I'd have a great difficulty in financing a campaign, and I just don't feel equipped to do it. You're the one to do it. Unless I could get assured of an adequate campaign financing, I just couldn't do it. There were too many ifs and ands about it. You apparently have more resources in this area than I do, and so go ahead."

Fry: What were Pat Brown's resources? We're trying to get a line on Democratic moneybags, the men who--

Carter: Well, I don't remember the precise ones. But, he had people in the Bay Area who were monied people. I wasn't connected with them and he knew them. He knew where they were and he knew how to contact them. He'd also, in his campaign for district attorney, developed considerable financial organization to support him, and he had that to begin with. So, he was not bereft of an organization to go on, and he knew where some funds were. Pat was a pretty good organizer in those days; he had a pretty good team, and he had some people around him who helped.

Fry: Then how did Kenny get in to run for governor?

Carter: Bob decided he would run; I don't know what motivated him. I asked him why the heck he wasn't campaigning more after it got announced and he said, "Well, they've cut off my sources of finance."

Fry: Because of the senatorial race?

Carter: No, not the senatorial race. He said, "They," (meaning the Warren people) "had dried up my sources of finance."

I said, "Well, then you might as well write it off because you aren't going to make it. Either you have to run, or--I just don't see it. You write the ticket; it's your business."

I tried to support him all the way down the line. I was not then state chairman; I was vice-chairman then. And I was from the north end, an area where we didn't have either large financial contributions, nor did we have big population.

Fry: Who else wanted to run for governor in '46?

Carter: [pause] I don't know, right now. There were others that were interested.

Fry: Who were in the meetings that got this all laid out; what Kenny later called the "package deal plus an option"?

Carter: Oh boy. I'd have to go back and look at that and talk it over with some other people to get it identified more clearly. There were maybe thirty or forty people around in that meeting room there, if I remember correctly.

Fry: That many?

Carter: Oh yes, it was quite a stampede.

XVII POSITIONS AFTER LEAVING SENATE

[Tape 6, Side B]

Chairman, Democratic State Central Committee, 1948-1950

- Fry: I guess Olson had been the Democrats' only governor. They managed to win presidential elections, but they always lost the state elections for governor.
- Carter: Well, we did until the 1950s when Brown was finally elected. Olson was the first Democratic governor in forty-four years.
- Fry: Yes, he was about the only one that you'd had in this century.
- Carter: Well, he was until Brown was elected. Between Olson and Brown-- Olson went out in--
- Fry: Forty-two.
- Carter: At the end of '42.
- Fry: That was sixteen years again of a Republican governor before Brown came in.
- Carter: Twelve of Warren and four of Knight.
- Fry: When you took over the chairmanship of the Democratic State Central Committee, it looked like you had your work cut out for you, because apparently the party didn't really--
- Carter: Oh well, when we started in 1948, my own view about that was that we weren't going to win, but that even if we didn't win we ought to make a tough run for it. The public psychology was, "Oh, you can't win; you can't win."

Carter: Rather than to weakly counter that, I'd just say, "Well, then let's do as well as we can and just keep zeroing in on that and do all the little tasks that have to be done toward building organization. Go out in the field and do what you can. Get people to work; get them out; rout them out. See who they are. Let's count noses and see what we've got." We started that in '48, and by '49, after the '48 victory, we had a pretty good going thing.

Fry: You did? This was before the days of the CDC [California Democratic Council], we should remember.

Carter: Oh, you bet.

Fry: What sort of organization did you have?

Carter: Well, we developed committees at the congressional district level.

Fry: I see--by district.

Carter: In each congressional district. We'd sit down and meet with them. One of the devices I tried, and it worked fairly well, was to get people to sit down and come before this committee and propose candidates for partisan offices from that district down--not state-wide. State-wide, we tried to get them to line up and go along in a team that we could send out for the Democratic nomination and try to get them nominated.

We did in 1950. We didn't nominate a governor or lieutenant governor, but we did nominate--let's see, what did we do on the attorney general? I think in state offices we lost pretty badly, except for one office. Well, Pat Brown--

Fry: In 1950 Pat Brown went in as attorney general.

Carter: That's right. That's when he ran and was elected, and he took office in '51. We got Pat nominated and elected. We got more nominees in the congressional districts than we'd ever had before. In other words, they didn't shut us out in the cross-filing as much. In the Northern California districts, I think we had nine congressional candidates. Now they didn't all win in November, but they made a good running. We got them the Democratic nominations; that was the first thing we set out to do. This was in 1950.

Fry: As opposed to Republicans, who could have gotten it.

Carter: Well, in cross-filing, the Republican incumbents would have just won in the primary elections.

Fry: I think you told me over the phone yesterday that the primary elections were usually the toughest for the Democrats, instead of the general election.

Carter: Oh, of course they were, because the percentage of the vote was lower. Whenever that happened, the Democratic candidate's chances were way down, except when he was an incumbent. When a Democratic candidate ran in a heavy-vote election, he had a chance, whether he was an incumbent or not. He had a good chance. When it got up over seventy percent he had an excellent chance. This is the way we tested it, and we statistically had established this. So our idea was to try to get out a seventy percent vote--or better. When you got up to seventy-eight percent, it was almost an absolute certainty.

Fry: That's an unusually big vote though, isn't it, and very difficult to get out?

Carter: Well, we had a good chance at sixty-five percent, but it wasn't that good. It was less than the chance we had at seventy percent. The seventy percent figure was the safer point. There were some cases where we had seventy percent and didn't win, but very rarely.

Fry: And this getting out the vote pertains to both registration and getting people to the polls on election day. Were your congressional district organizations particularly competent in both those areas?

Carter: Some did and some didn't. It functioned with varying degrees of success.

You know, you'd go back then to the various county committees and say, "Look, you people have got to do it in your own local counties, where there's more than one county in a congressional district." Because a congressional district had a lot of counties in it. You couldn't run a campaign in one county from another county. Then you worked with campaign people in each county. Then you develop that. This is the mechanics that you develop over the years. You learn where the people are and you put them to work. You get the ones that will work and you discard the ones that won't work.

Fry: Let's see, you left in October, I believe, of 1950--

Carter: No, I left the office before that, in August of '50.

Fry: Did you see any antecedents of the California Democratic Council during this time?

Carter: Oh yes. There was some attempt to organize a separate organization. I thought it was not a very good political trend because it was divisive to the organized development of party organization. While it had some aspects of vitality which were good for a political organization, unless they were managed in some way, then they were of no value, really. Because they would become captured by some pirate-type of person, or some demagogic-type of approach and then

Carter: they're lost. And they're only temporarily in the picture. They have no continuity, no stability, no strength of purpose behind them.

Fry: They were not organized by congressional districts so much as by counties or cities or towns--is that right? Or did they overlap the same district divisions that the Democratic organization did?

Carter: When you got into Southern California, you had a considerable amount of that. You'd have local organizations that would be such and such a Democratic Club. When you got into the San Francisco area you'd have such and such a Democratic Club. Now in the San Francisco area, however, they were generally better organized. They were Twenty-third Assembly District Democratic Club, or Twenty-second Assembly District Democratic Club, or something of that sort. They attempted to organize on that basis. Whereas in Los Angeles, maybe you'd have San Fernando Valley Democratic Club, San Gabriel Democratic Club. Whether they overlapped one congressional district or another--you never got any congressional organization out of them.

I had very great difficulty in finding out how you could utilize those things. Whereas in the ones I had up here, I was able to get a structure of very few people in which I communicated to these people in the field. And this was the way it worked. You had two or three people to whom you'd say, "You're in charge of these groups; you're in charge of those groups." Not to tell them what to do, but simply to help them administratively. Help them out.

We had no money. We weren't financially able to go out and organize them, so there was no gravy. We couldn't seduce them or anything of that sort by offering any kind of subvention for their operations, or any of that kind of thing. Our essential operation was one of just saying, "Look, this is a pro bono publico operation. Either you believe it or you don't. Now we're going to try to get some organized effort out of this. We'd like to have you help."

Fry: Before the days of the CDC, was it true that you might have several Democratic candidates in one town running for office who were warring with each other for the labor force of volunteer workers in that particular area? It's been confusing for me, coming from the East to California, to understand why Democrats couldn't get together to open one headquarters in a town and run their candidates? Did you have that problem before CDC?

Carter: Oh, we had it all the time, of course. That was piracy between different campaign organizations. Our policy was to let each individual candidate run his own campaign.

Fry: And slug it out between them--

Carter: We didn't try to interfere with that. We tried to do two things: to those who had the Democratic nomination, we tried to get them financial contributions--for whatever office they [contributors] wanted to contribute, whether it was for Congress, or state senator. Those were the offices we were mainly interested in, although we did have a governor's race and a president's race. We had to help finance the president's race. You know, we ran that Truman campaign in 1948 on something like \$38,000.

Fry: For the whole state?

Carter: No, for Northern California. That's from Bakersfield north.

Fry: I hope you had some big contributors, because most of the Democratic money I know about comes in dimes and nickels. Were there a few big responsible contributors in San Francisco?

Carter: That depends on what you mean by big. I suppose, we had Ed Heller and Ellie Heller; they were two of our biggest contributors. They were wealthy people and made contributions of some value. There were others who, from time to time, made contributions.

Fry: Was Swig on the horizon then?

Carter: No, Swig had just begun to show up a little after that time. No, I take it back; Swig was already here, but he wasn't active in the Democratic party.

Fry: So, in other words, the chairman would then divide this money to those candidates that had been nominated at the state convention?

Carter: No, they were nominated in the primary election--

Fry: Oh, this is all after the primary, then, that you're talking about.

Carter: That's when I came into office. Everybody was nominated then, that was nominated, and we found out what we had, so we went from there.

In 1950 we had the problem of trying to get people nominated. We had a bigger ticket. In that situation, my problem was to eliminate competing Democratic candidates for the same office, as much as I could. Voluntarily, if I could. And I did work some of these things out.

Fry: So the vote wouldn't be so split?

Carter: That's number one, and number two, so I could make a financial contribution in the primary. If there was only one Democratic candidate, I could. We had a little money then; we'd put it together in 1949. And then in the state committee we had a little--we'd been quite frugal and careful in our operation. We made the

Carter: money available to the candidates. I think we put \$500 into each state senator's campaign and \$250 into each assemblyman's campaign. In those days, it was more than they'd ever had before from a state committee.

Fry: Did you in turn get money from the National Democratic Committee, or did you give it to them?

Carter: No, we gave money to them. We would have Jefferson-Jackson Day dinners; we'd have other affairs, and speakers would come out, and we'd share the receipts in part with the National Committee. And that's where we got most of our source of funds. We had also individual contributions that were made at the time, and it all went into the pot. The individual contributions were put pretty much where the man who made the contribution wanted it to go; he generally gave it for a purpose. So we had a direct purpose, a particular congressional campaign, a particular senatorial campaign, or presidential or gubernatorial campaign. We would direct the money to where the donor sent it.

Fry: Sounds like a terribly big job. Was this a full-time job for you or were they part-time jobs?

Carter: Well, it was only really part time; I never drew a salary as such. I drew a three hundred dollar a month expense account. I was on the job all the time.

Fry: And that was for your telephone and your travel--

Carter: No, my telephones were pretty much paid for by the committee; they had phones in the office, and so on. They operated the office and paid-- They had an executive secretary; he got paid four, five thousand a year, I guess.

Fry: Who was that?

Carter: Harold I. McGrath. He's in Santa Rosa now; a very fine fellow. We had two secretaries--three secretaries. So we kept busy.

Judge, U.S. District Court, 1950

Fry: Who gave you your appointment to the bench?

Carter: President Truman. In October of 1950.

Fry: Well, what happened in August?

Carter: My term ended as state chairman, and a new state chairman was elected. I think his name was Fred Trott, from Tulare, if my memory is correct. He's a nice fellow. He's in the school department down there.

And then, once I got appointed to the bench I got out of it. I didn't maintain any more interest in it.

Fry: Did you have any idea you were going to be appointed?

Carter: Not in the beginning. As a matter of fact, I at one time turned the job down.

Fry: Oh really?

Carter: I mean I told Senator Downey I didn't want it. I later concluded, this was in the spring of 1950 I guess, that I was interested. It had been a long-time vacancy, and they had a big hassle. And the question was who could break the stalemate that had developed between Senator McCarran of Nevada and President Truman as to who was going to win. There were two appointments to be made, and President Truman wanted another candidate, and Senator McCarran wanted Ed Murphy appointed. And McCarran simply said to Truman, "If you'll appoint Murphy, the Senate Judiciary Committee will approve anyone else you appoint. That will fill the two vacancies."

And those two vacancies lasted over a couple of years.

Fry: Is that right? That would be disastrous, I should think.

Carter: Oh, it was a scandal the way it went on. I had had nothing to do with that, and I tried to get a number of people appointed myself, before then--

Fry: And Truman would hold off--?

Carter: No, he couldn't get the Senate Committee approval.

Fry: Through the judiciary committee.

Carter: That's right. McCarran sat there and just--

Fry: How did yours go through?

Carter: He appointed Murphy.

Fry: To one of them.

Carter: And when he did then McCarran handled it in one day. It was one of those things that just went zip, zip, zip, zip. He was a tyrant.

XVIII PRESIDENTIAL CAMPAIGN, 1948

The Truman Campaign in California

Fry: Is there anything you would like to tell about Truman's campaign here in '48?

Carter: Well, Truman was a very interesting person to know as a campaigner. He had a great faith in the American people. This was his basic reaction, and that showed in his personal expressions to the people. And I think they sensed this great faith he had in them. He's a person who feels very strongly on the subjects that he feels on. He has strong views about basics, about fundamentals. Out on the periphery he can make mistakes. But you get him back into fundamentals and he's just as sound as he can be.

Well, he operated his political campaigns on that premise--he operated on fundamentals. He never got into a lot of window-dressing, with fancy stuff. He would talk about basics. He said, "You know what I stand for." And he meant it, and he didn't beat around the bush. I think that that plus the very unwise, indefinite approach of the Republicans, not to stir the--not to disturb the apple cart, not to rock the boat. Not to really try to say anything that was too affirmative about anything, but just saying, "We'll do it better." And thinking they had it won.

Eventually, I think people began to say, "I'm going to take the man who stands for something, over the man who doesn't stand for anything." That's essentially the idea. Dewey gave you a lot of words, but he didn't give you any real down-to-earth hard, tough positions. Harry Truman did. He came out saying just where he stood and why he stood, and he said, "You've seen me; you know what I do," and he just called it that way.

Fry: Were you able to work for Truman in '48?

Carter: You bet I was; I did. And I was with him the three and a-half days he was here in California. I was on his train, and it was my pleasure and privilege to introduce him to all the audiences all the way down the Valley and into Los Angeles and into San Diego.

Fry: Did he have any hecklers?

Carter: Oh he had lots of hecklers around every so often, but they didn't bother him.

Fry: He usually was able to deal with them. [Laughs]

Carter: He was a very unflappable man in that sense. If they got too close, he'd knock them down; he didn't monkey around. I mean, he was a tough little guy. He would fight if you got close enough. He had great reactions. The man believed in what he was doing. He had a great sense of American history; he understood American history far better than most men I've ever known.

Fry: Isn't that amazing.

Carter: He was a fabulous student of American history. That man knew more about Millard Fillmore and told me more about Millard Fillmore than I ever learned out of books.

Fry: Millard Fillmore? Did he admire him?

Carter: Not that he admired him--he knew everyone. You'd start right down the line, you'd ask him, "Well what about the presidents?"--you'd ask him. He'd just tick them off, "This is what they did, this was what they stood for," and he knew it; he didn't miss a trick.

Fry: Did you think California would support him?

Carter: I said to him, and I remember saying it, "Look, Mr. President, the polls say Dewey is supposed to carry California by 250,000 votes. If there's one thing I know, the polls are wrong. I've been from one end of California to the other. It's going to be very close, and there is a chance to win. I don't know how good it is, but we have a chance. We have to work, and we are working, and we have campaigned, and we've done one or two things that I think will be effective. In particular, one down the San Joaquin Valley that I thought worked out very well."

And he said, "Yes, I know."

Fry: What had you done down in the San Joaquin Valley?

Carter: Well, for instance we'd had Secretary of Agriculture Brannan brought down to Modesto, Fresno, Visalia and Bakersfield. He went right through the Valley and talked to those people about their problems--

Carter: the raisin growers, the cotton people, and the whole kit-and-kaboodle. Although the cotton was not quite as heavy then as it is now, it still was heavy. And he went right through it, and he just never missed a trick, and he knew his agricultural economy backwards and forwards. He was a very able man. In domestic politics he was one of the most able men I think Truman had.

So, we thought we did a very effective job because we carried the Valley from Sacramento through Bakersfield. Every county we carried, except San Joaquin County. Every county in the Valley.

Fry: I interrupted you when you were telling me what you were explaining to Truman about the chance to win.

Carter: Well, I told him we had a chance to win; it wasn't a real good chance. But I was sure that whatever the election result was, it was going to be very close, and all this business about 250,000 or 100,000 was just plain nonsense. If anything like that came in, then he could have my title any time; I'd turn in; I'd quit. But he said, "You stay by your guns." He was very pleased with my attitude and the fact that I had gone to the effort of getting around and seeing the people. And we had covered the ground, that's true.

Fry: You really had gone personally up and down the state?

Carter: You bet your life. I'd been from the forks of the Salmon clear to San Diego--that covers California pretty heavy.

Fry: What about newspaper publishers; did you try to get them on your side?

Carter: We knew what we had--in the Valleys we had the McClatchy newspapers with us; we had some other newspapers around the areas, locally here and there. But most of the press was against us. The Chronicle and even--The Hearst papers were kind of, you know. They were against us. The media structure was talking one way, but their reporters-- Interesting thing, the men who were reporting for them were saying, "Hey, the excitement's over here. What's going on here?"

Fry: In the Truman campaign?

Carter: Yes. "Why is this?" And they would ask me those questions.

And I said, "I don't know why, what the heck's happening." But Truman had some very capable men. He had Clark Clifford, who was a very impressive man, on his campaign; he had Jonathan Daniels, who was also very impressive. He had two or three others who were high calibre--

Fry: They were with him on the train?

Carter: Oh, you bet. They were good men, and very, very aware of what was going on. They knew what was happening.

Now, when we finished up our campaign--I must tell you this-- [laughs] when we got through, we would have had a three thousand dollar deficit had we lost. That was a reasonable deficit, we could have made that up, that's pretty good for a Northern California operation. But we didn't get into debt, we paid our bills, we did the job we had to do, and we didn't have many people to do it with. How we did it, I'll never know.

President Truman as a Campaigner

Fry: I wish you could give us some idea of Truman in between whistle stops. A lot of people have seen him at whistle stops, but what happened in between?

Carter: He was a very relaxed man. He and Bess were veteran campaigners; they knew their business. They sat down and rested. When they talked, they were very calm. Truman did things he had to do in his president's office: he'd get papers, he'd give orders--he knew what he was doing. There weren't any ifs or ands about him. He gave directions as to what he wanted done, and if it wasn't done, he raised hell. He didn't--

Fry: "The buck stops here."

Carter: Yes, that was his philosophy of operation. He didn't back down from that method of operation, and that's the way he did it.

Now, as a person to be around, he talked very commonplace. I've been at social engagements with him after he was out of the president's office, and when he was traveling around. I chatted with him quite at length and sat down and discussed things. He has a fabulous memory of what occurred--his mind was razor-sharp, at least in that period that I knew him. He had instant recall, and he was fully aware of what was happening. He had that absolute, complete, unbound faith that he was going to prevail some way. I don't know what it was--it was almost religious fervor. Certainly, he was not given to religious expression, yet he was a deeply religious man in his own way.

Fry: Oh was he?

Carter: I remember one incident, for instance, when we were someplace between Visalia and Bakersfield. The crowd that was there was about fifteen hundred, and after he made his little talk (we'd stopped in the station and these people would gather around) an old gentleman, an old farmer

Carter: he was, came up to him. The Secret Service were looking at the old guy out of the side of the eye and edging toward him, but I said, "Leave him alone; he's all right." I didn't know him too well, but I knew he didn't have any evil intentions.

He said, "Mr. President, I want to leave something with you. I have a little book that's been very precious to me; I'd like to give it to you." And he gave him a little paperbound volume of St. Matthew, and he said, "This is my favorite gospel."

The President said to me, "Oh, I'm so pleased he gave that to me. You know, that's my favorite gospel." They had a nice little talk, and then he went on his way. He was a very respectful gentleman--obviously a working man, not an intellectual-type person.

The thing that was just utterly dumbfounding the reporters on the trip was the size of the crowds coming out to see Truman. They couldn't understand this: if he was going to get beat, why did all these people come to see him? And I said, "You know what the answer to that is: he's not going to get beat like they say he is. That's the answer." And it was genuine and real--it was there!

You know the campaign changed from Omaha, Nebraska, when he was in a half-filled auditorium in Omaha, and the next stop he had was in Reno, Nevada, if my memory serves me right, and I met him in Reno. They had a big crowd in Reno, and the Nevada people were out. That's a good Democratic state, and they were very strong for him. So, he got a good response there.

And then we came over the Sierras and down to Sacramento, and we had that Capitol Park there in the center of town (you know, the one there near City Hall) absolutely jam packed--completely full!

Fry: According to a story I heard, he stumbled onto the do-nothing 80th Congress scene. Was that something that happened right about that time?

Carter: Harry had already mentioned it, but he reiterated it over and over again along that trip. That was one of the things he talked about. He didn't spare any horses, he didn't give one inch. He took right on, head on. He said, "This is what I said I wanted. This is what I stand for, and this is where it is." He just laid it right out.

You know, Harry Truman was a very poor public speaker in terms of the ordinary standards for public speaking. He didn't have a good voice. It's a twangy voice--"whang, whang, whang," that sort of thing. And he wears trifocals and reads with difficulty when he's reading formal things. When he read his formal documents, he would stumble over the words, and it was a rather poor or abysmal effort at public speaking. But he'd close that book, and he'd just talk to the people

Carter: for about ten minutes, and he was dynamic in that sense. He had a me-to-you kind of style, and he got a great response. You'd just feel it coming back, you could just feel it bounce. It was so evident.

Then when I ended up that thing, I was so tired I could hardly get on that train at Colton, which is out of San Bernardino there. And I said, "If I ever get home, I'll never move another muscle." I said, "You know, that guy's going to win it." I said to myself, "That guy's going to win." [Laughs] And when I started I didn't think he had a chance.

Fry: How was he in personal relations, one to one? How was his rapport with people like yourself who would get on the train at a certain place and take him through their territory? Would he try to get acquainted with you personally?

Carter: He didn't take a lot of time. He was very commonplace; he just talked plain, straight-across-the-table. He was very relaxed--no strain, no stress. I'd met him before, so he knew me, and so it was not a first acquaintance. I think he trusted me, because he'd had good reports of what we were doing, and he thought that was that, and he had to live with what he had anyway. [Laughs] He didn't have anything better.

Fry: How was he at listening to you as you briefed him?

Carter: Very good, and he had a good memory of it. Now, the other thing he did--I remember he said, "Say, we have a number of speeches lined up here for various places in California. I'd like to have you look at them to see how they're placed, if they're the right subject matter for the location."

I said, "I'd be glad to, Mr. President."

He said, "Jonathan Daniels is in charge of this. If you'd sit down with Jonathan and Richard Bell," a young fellow who was assisting in the speech-writing. I looked at these speeches and I got their titles, and I got their subject matters and where they were being said.

I said, "Oh boy, you got to do some changing around here, because you got them in the wrong places. The subject matters are fine for California, but you better say them in the right places. For instance, you don't talk about certain things in certain places--you talk about other things."

For instance, he was going to talk about the power octopus in San Francisco. I said, "I think you'd better talk about that in either Sacramento or Fresno or someplace like that. You can talk about foreign relations in San Francisco." He wanted to talk about labor relations in Oakland--I said, "Those would go over very well

Carter: there. You should make your emphasis on those two things there." So, we got them lined up right, and I said, "The format, what you say in the speeches, appears to be on the ball. I'm not going to try to change that. You boys know what you're talking about."

They said, "All right, that's what we'll do."

So, we realigned the places in which the speeches would be made. They were the same speeches, just switched around as to where they would be made. This was based on a judgment value. Then I called some other people in and verified this too. I said, "Don't you think this is how it should be?" They gave their view, and they agreed with what I said. We had unanimity, and it didn't take very long to get that straightened out.

[End of Interview with Amelia Fry]

Transcriber: Pat Raymond
Final Typist: Teresa Allen

INTERVIEW HISTORY

Judge Oliver Carter and I met in mid-afternoon on June 29, 1972 after he and Amelia Fry had already been recording for nearly five hours. Mrs. Fry's small office was very warm from the afternoon sun, and Judge Carter was tired, but he was also willing to discuss his vital role in developing major water resources legislation during his terms in the state senate.

We had taped some of the background of his interest in water and power issues and his first years in the legislature, when, at about 4:00 p.m., his wife arrived to drive him home.

His heavy court schedule prevented our continuing the interview for one year, at which time we met in his chambers and recorded for three hours. One hour of our appointed time was lost because my tape recorder, just returned from the repair shop and functioning well during a test run before leaving home, simply refused to function in the judge's office. Patiently he waited while his secretary, Mrs. Betts, and I searched for a recorder in a neighboring judge's office, and while I went out to find tapes to use in the borrowed cassette.

When I was finally ready, Judge Carter put his own work aside and we began our interview using the previously-prepared outline of questions. His sharp mind, keen memory, and delightful sense of humor coupled with a contagious laugh made the hours pass rapidly. We finished shortly before his scheduled dental appointment.

Because some information in the first interview was repeated in the second, where it was more fully developed, the duplications have either been removed entirely or combined with the related material in tape 8. Except for those revisions, this is a verbatim transcript.

I sent the edited transcript, along with a few questions regarding spelling, phrases which couldn't be heard clearly, and references to pronouns, to Judge Carter in March, 1975. Shortly before his death he had taken it home to review. Since the manuscript presented no overriding problems his family returned it and agreed to have it completed as it was.

For purposes of continuity this transcript has been incorporated with that of the Carter-Fry interview, and the Carter-Chall tapes 1, 2, 3, 4 have been renumbered 7, 8, 9, 10. Along with the Carter-Fry tapes and the bound manuscript they will be deposited in The Bancroft Library.

20 July, 1977
Regional Oral History Office
486 General Library
University of California
Berkeley, California

Malca Chall
Interviewer-Editor

Malca Chall Interviews Oliver Carter

XIX WATER ISSUES IN THE STATE SENATE, 1941-1950

[Interview 1, June 29, 1972, Tape 7, Side A]

The Background of Oliver Carter's Interest in Water and Power Issues

Chall: Perhaps you could begin by telling me how you became interested enough in water to have been a leading advocate of water development in the state.

Carter: I suppose I was raised in a water litigation family. My father [Jesse Carter] was an attorney for the farmer interests for the county in which we were living--in Shasta County--for more than twenty years.* He was the active representative for their point of view, mainly against the Pacific Gas and Electric Company, in condemnation actions for water rights, in inverse condemnation proceedings, and in damage actions for interference with the water rights. These were things which he developed in his experience over the years. And he became known as the representative of the black belt, or the farmers.

These were small farmers, relatively small farmers, who were attempting to protect their water rights against what they believed to be encroachment by the PG&E. This was when the PG&E was building their power structures on the Pitt River, and on Battle Creek, and

*"California Supreme Court Justice Jesse W. Carter," 1959; Regional Oral History Office, The Bancroft Library, University of California, Berkeley.

Carter: Cow Creek in Shasta County--those are local areas where they have some small and fairly large power plants. They have storage units and they drop the water down into the power plants--they're hydroelectric plants. So, they had to do everything from power sites to the taking of the water right away from the agricultural land.

Now I said that I was raised in that kind of a family. It started back in the 1920s, and by the time I got to practicing law, we were still trying some of these cases. After 1935, I participated in some of those cases myself to a limited degree and I actually tried some small water cases of my own. So I had the benefit of having had that background and experience.

It was in 1941 that I was elected to the legislature, and I was always aware of the public interest in preserving the resource for public use, because the community in which I'd been raised was one of the first communities to take over its own electrical distribution system from the Pacific Gas and Electric Company. Redding, in 1926 condemned its distribution system from the PG&E. My father was the city attorney of Redding at that time. It's one of the oldest operated city ownership groups in the state of California.

That's number one, and number two: we've also had a very great interest in the development of the facilities by the government, such as the Shasta Dam, which was for many years discussed as the so-called Kennett dam project, and later became the Shasta Dam. It was a part of the later Central Valley Project, but I remember the old Water and Power Act, which my father was very active in supporting for public view in that issue.

As a young boy I was always very much swayed by what he did and I picked up those attitudes as a young person, and later I began to see the real justification for them. And so I guess I sort of "grewed" into it--to use bad English to illustrate the point--but I also then developed some real personal responses in this area by being active myself.

First of all, I was active in the Roosevelt campaigns of '32 and '36. Not as active in '32--I was just barely out of college then, and just starting law school. In '36 I was then out of law school and practicing law, and then I was very active as a young Democrat.

Chall: In the Redding area were there many Democrats?

Carter: Yes, in the Shasta-Trinity Counties we had quite a few. This is where we started that political organization. We got it going. We were quite active--did our share. It's a small voting area, comparatively speaking. We were on the winning side then, and we participated then as young people do--we participated very actively and vigorously.

Carter: In 1940, I ran for the state senate and one of the problems that we had to deal with at that time was flood control of the upper Sacramento Valley. By that time you see, Shasta Dam was being built. It was started in 1938 and was finished by '44, if my memory serves me right. And that was a gigantic project, and to see that thing built, and to see the tremendous volume of water, and what can be done with that water, and so on, was a great revelation. It also changed our community greatly in that it brought in different people; it just changed the whole character of the way we lived, as a matter of fact.

Chall: Was that a good change?

Carter: Mostly I would say, mostly. Because on the heels of that came World War II, and we were then caught up in the business of trying to put our efforts into organizing things into producing for the war. The timber resources started to grow, and the power resources were used for that purpose. We had a source of energy we never had before. Shasta Dam was one of the great sources of energy. It just came on the line right during the period of the war, and it was a very helpful thing. Not that the need couldn't have been satisfied otherwise, but you could see what it meant.

Then there were little public utility districts that were formed, like Shasta Dam Public Utility District, and it was similar to the old city of Redding fight, and we helped in getting that started. This was again fighting the old established utility, the PG&E. That was done over their objections, both actual and implicit. There were no ifs or ands about it.

Chall: Weren't there long-term problems with respect to those public utility districts and PG&E so that the people concerned with public power had to continually go to Washington to try to solve them?

Carter: Oh, my goodness, yes. Let me say that I have this background too. I knew the men who were involved originally, like state Senator John McCall, who was very active in getting the Central Valley Project to include the so-called Kennett Dam project which later became Shasta Dam. Judge Francis Carr was active in this area. My father was active in this area. Other prominent men in that community were also active. There were very few people who were negative on that aspect of it.

There were others, when it came to the PG&E side of it, who were pro-PG&E, and I knew many of those people. They were fine people--we just disagreed on it, that's all. We were still friends. In other words, we lived with this thing. We found that we had a much bigger thing, and it was much more productive, and it did help the countryside by and large. It was not destructive. There were some people who were talking about how it was going to destroy all the beautiful areas. There were some lovely areas that were covered by water but also they

Carter: have one of the most beautiful man-made lakes that has ever been created there. It's got a compensating factor. It's high enough up so that it's out of the way of agricultural land--it's not destroying that.

Election to the State Senate, 1940

Carter: Then, I got elected to the legislature in 1940 and took office in 1941. I succeeded my father who had gone onto the California Supreme Court. But he had only been in the legislature for a short time--just a part of the 1939 session. He was elected in a special election when Senator McCall was killed in an automobile accident in December of '38. My father ran in a special election in February of 1939, and took office in March, if I remember correctly. A very short special election; they called the shortest one I guess they could, under the law. And he defeated, I don't know, four or five people who ran for the office. The man who got the most votes was elected--a big whole hodge-podge but he won very substantially. Governor Olson wanted him to run; it gave Olson another vote in the senate, and it was something he wanted to have. My father had supported Olson in the '38 gubernatorial campaign. So Olson tried to get him to run for the senate and he did.

Chall: And he was a public power advocate too.

Carter: Yes, and Olson was a public power advocate. They had a number of things on which they mutually agreed.

Chall: I see. Well he was in the legislature during an important public power battle over the Pierovich bill.

Carter: Exactly right, exactly right. My dad was involved in the Pierovich bill, and he was very active in favor of it.

When I went in there, the Pierovich bill was over. And we didn't have too much really big water legislation in the '41 session; there was some. I was on the water committee.

Appointment to the Senate Committee on Water Resources

Chall: Yes, I understand you were on the Water Resources Committee almost all the time you were in the senate.

Carter: Yes, I got on there principally because I was the one no vote that voted against constantly recreating the Crittenden committee. You know, Crittenden [Bradford S.] always had this committee, and I took

Carter: the position that the Crittenden committee should get its work done, whatever it was, and then terminate. This business of continuing on wasn't the way it should be done. We shouldn't do business by interim committee; we should do it by legislative session.

Chall: That Joint Legislative Interim Committee on Water Problems, as it was called, had been started in 1927.

Carter: Yes, and Crittenden had been on that committee the whole time! You talk about continuity in office, and that's it!

Chall: You were opposed to that committee then?

Carter: Well, I said that I didn't think they ought to continue that committee, not because I had any hostility with the work the committee was doing, but because I thought it was about time it came to an end. It was that kind of a problem. I had adjoining offices to Senator Crittenden. I knew him quite well. He was from Stockton, and he was a fine old gentleman. And I used to go in and talk with him once in awhile, and I'd say, "What the hell are you trying to do?" I'd say, "Are you trying to continue this one forever?" He'd say, "You know what we do around here. We have to continue this work. It's important." And I'd say, "I know it's important, but can't you ever get it done?" And he'd say, "Oh well, you know." So we'd kid one another, and we got along very well. He was a wonderful person, and he liked me--I think he was very fond of me as an individual; and I liked him as an individual.

But in any event, we disagreed on that. So, you know, they always put one of the no votes on the committee. I was the only no vote around; and I didn't vote no because I wanted to get on the committee, because I wasn't aware of the rules until after I'd done it. Then they told me, "Now you gotta be on the interim committee."

Chall: So, they put you on the interim committee too, as well as the Water Resources Committee?

Carter: Yes, eventually that's where I made it; I ended up there because I represented that kind of an attitude. They needed all sides represented; [laughter] that's the way they put it. I said, "Okay, I'm not particularly asking for that one."

Chall: That was a prestigious committee.

Carter: Well, I agreed with them a lot of the time. We got along fine.

Chall: Were you the only no vote, or sticky vote on that committee?

Carter: No, I think Jespersen [Chris N.] used to take him on once in a while. He was from San Luis Obispo.

Chall: What's his name? I'm not familiar with it.

Carter: Jespersen. He was a Republican too, but he didn't spare the horses. He would say, "You've got to get this thing done sometime."

Chall: What actually were they trying to do?

Carter: Well, they were constantly reviewing these flood control plans. The other thing that I soon concluded was that we had too doggone many water agencies. We had, I think, seven different boards in California affecting water, and I said, "From an administrative point of view, that's foolish. We're just getting into one another's road." "They're as thick as fleas on a dog's back," I once said. I got a little emotional and started popping off.

In any event, we got to the point where we had to face up to the problems of what was coming on. But the thing that brought it to a climax, was the federal Flood Control Act of 1944, and that leading up to it.

Chall: How do you mean that brought it to a climax?

Carter: Well, because in the federal Flood Control Act of 1944 there were authorized about fifteen or sixteen different flood control projects up and down California. Both in the Sacramento-San Joaquin, and the Southern California areas--on the Los Angeles River--to get the flood control there. You see, they had in '41 the big flood. You remember, that was the year of one of the big floods that came in.

Chall: I wasn't in California at that time.

Carter: Well, they had a big one in that year, and then they had another big one in '55. They had one later in the forties which wasn't quite as big as the '41 flood but I remember the one in '41. One hundred eighty-six thousand cubic feet per second were going through the Shasta Dam above Redding. That's as big as the Colorado River at flood stage.

Chall: And so it flooded downstream.

Carter: Oh it was fantastic. When those rivers go on the rampage, they're awful to see. Well, I took the position that I was very strongly in favor of flood control--I didn't want to see things dry. But that's one of the things that Shasta Dam was supposed to do was to give some flood control. It didn't go into action until 1944.

Chall: So it really wasn't there in time to protect the downstream lands.

Carter: But one of the projects in the 1944 Flood Control Act was the so-called Iron Canyon-Table Mountain Dam, which was to control the flood waters of the upper Sacramento River. Then there were various flood control projects down the Sacramento, also on the San Joaquin River. As a matter of fact I think Friant Dam was built under that project. Millerton Lake and Friant Dam--that's the San Joaquin.

Chall: This gave the power to the Corps of Engineers too, did it not?

Carter: Right, and this is where I got acquainted with the Bureau of Reclamation people so well. And I always felt that our use of water should be multiple use. We should strive for multiple uses of water in the way we dealt with the water problem, and not just treat it on a flood control, or an irrigation, or a reclamation or any specialized basis. It should be dealt with on a multi-problem basis. Of course the federal government had already adopted the quadripartite agreement with the various agencies dealing with water--the Department of Interior, Bureau of Reclamation of the Department of Interior, the Corps of Engineers, the Fish and Wildlife Service, and one other agency--all four of them had to get together to handle any project. It was an agreement where all these multi-purposes were considered.

Now, in California, they had one additional factor besides all the things they considered. We had the salinity control in the Delta to think of. Well, we had a number of other factors. This was a very complex use of water in California, when you get into it. It's not a single thing. It's a whole combination of things. Anytime you start to talk about water, you get out of the simple problems and get into the complex problems. So you have to think about it in a number of dimensions.

I had had no technical training in this area; I didn't know it from anything. I said to myself, "How am I going to find out about it--I'm just a babe in the woods." Like any lawyer, I said, "You go to the books, you go to the technicians to find out."

Federal Reclamation and State Water Resources Personnel

Carter: I had a friend whom I went to grade school with and high school with, and he was an assistant to the regional director of the Bureau of Reclamation--Jim Carr. A great guy, but a guy I knew. So you see, you go to your friends to find out. I said, "Jim, I've got to find out about this thing, and I'm having trouble." He said, "Well, you've come to the right place, because we're in this up to our necks." He said, "We'd welcome you with open arms." And there I met Lee Graham,

Carter: and Ralph Brody, and the legal staff, and Charlie Carey, who was the regional director. Oh, and there was another regional director who was kind of an odd guy--what was his name--Boke, Richard Boke.

Chall: He came after Carey, didn't he?

Carter: Yes. Dick was a kind of an odd sort of personality, but he was a nice guy and a good director, I guess.

Chall: We'll talk about him.

Carter: Well I don't know him that well, so I can't tell...I've met him and talked to him. He was about my age too; he was a little older than I was. Charlie Carey was much older. He was another fellow that had been around reclamation for a long time and knew what the score was.

I also met Mike Straus, who worked in the commissioner's office then.

Chall: And this was in the mid-forties then.

Carter: Oh yes, this was before the '44 act, during '43, not earlier than '42. But I had acquired some know-how about those fellows even a little earlier; from my knowledge of Shasta Dam I got to know the local hierarchy of the bureau, and from there it went on up. I wasn't completely without some acquaintance with the Bureau of Reclamation people.

Chall: Were you concerned at that time, with Public Law 534, whether you wanted to accept it, or at least understand it?

Carter: Well, I got to that sooner or later, but I didn't immediately get into that. That came up along the line.

Chall: Why were you going to see these people?

Carter: I wanted first of all to get technically advised about multiple use, and the meaning of multiple use, and all the facets and the details of it, what that quadripartite agreement meant. I had learned from what little experience I had that you better get to know the people in it and the law behind it. And I'd had some dealings in condemnation actions with the Bureau of Reclamation, and while I was reasonably friendly with most of the people in that structure, I didn't know them too well until later, when I got really acquainted.

By that time, I had become acquainted with our state department of water resources. I knew Ed Hyatt very well, who was the chief of the Division of Water Resources, later the secretary of the Water Resources Board. And I also knew Spencer Burroughs, who was the

Carter: chief attorney for the Division of Water Resources. Now Spencer was the son of a former superior court judge of Lassen County, H.D. Burroughs. My father was very favorably impressed with him when he used to try cases over in Lassen County, before old Judge Burroughs. Spencer was just a boy then, and Spencer was about ten years older than I; he's dead now, but in the twenties he was a young man. I knew Bob Edmonston when he was Ed Hyatt's assistant; that's where I knew him first.

I also however knew G.T. McCoy when he was the chief of the Department of Public Works. G.T. was there even during the Olson administration as a civil service man. And these men--most of them were in civil service; they were not governor-appointed people. So I'm distinguishing now between the old-line employees and the ones that came in because of the political appointments.

Chall: Burroughs, and Edmonston, and McCoy, I guess, were all civil service.

Carter: These were all old-line employees, and they'd been around. And so I got acquainted with them, because I wanted to know who they were and what they did. And then when you had to get an answer to a question, you had to talk to the man that was going to make the on-the-ground decision. The political decisions--I knew when they were being made--but I wanted to find out who was going to run it on the ground. It's a two-headed--oh more than that--five-headed monster, but it's got at least two heads you've got to come directly to grips with, the political side and the administrative side. You learn that very quickly or you don't last very long.

Chall: I had an impression that at times Mr. Hyatt and Mr. Edmonston might just as well have been on the political side.

Carter: Well, they read the political side very well, let me put it that way. I always said, "You fellows hadn't better gamble on the election returns too much." [Laughs] I'd kid them! We used to laugh and kid one another, and they'd say, "Well, we've been right so far."

Chall: Quite a powerful duo, I think they were.

Carter: Yes, they were. They were pretty able fellows, and they were reasonably honest in their approach, and yet they ran the shop according to the way the boss wanted it run, really.

Chall: Who was the boss?

Carter: Generally speaking, it was the governor, or the director of public works. The governor generally ran the director of public works. Now that wasn't true when Olson was there. There was considerable rebellion under the Olson administration. It was my impression he got a certain amount of cooperation, but only a certain amount. Sort of an unwilling cooperation. And you couldn't get those civil service fellows out of office if they did their job. So the difference between willing and unwilling cooperation--you know what that means, in terms

Carter: of performance. So, that's the way I would appraise it. And some of them were downright hostile to the more progressive approach. I used to say I'm a little concerned that they hadn't ought to be ousted.

The Corps of Engineers and the Bureau of Reclamation: Issues of the 1940s

[Interview 2, June 28, 1973, Tape 8, Side A]

Chall: You had told me [in June, 1972] that when you came into the state legislature, you were almost immediately appointed to the Joint Legislative Interim Committee on Water Problems.

Carter: Yes.

Chall: As I understand it, you were also on the parent committee on water resources of the senate, is that so?

Carter: Yes.

Chall: Was Bradford Crittenden the chairman of both those committees?

Carter: He was at one time, but Senator Jespersen was the chairman of the water resources committee of the senate, and Senator Crittenden was the continuing chairman of the joint committee--the joint interim committee. I think Senator Crittenden and I had the dubious distinction of having been there because we usually represented opposite social and economic views on this issue.

Chall: I see.

Carter: He represented flood control people and I represented a great deal of the irrigation people; these were our basic differences.

Chall: When you say you represented irrigation people, were you representing the irrigation people of your district or the irrigation people of the whole state, would you say?

Carter: Well, I had an irrigation district in my district--the Anderson-Cottonwood Irrigation District--a rather small irrigation district. I knew the farm people of my community and their agricultural needs and their need for water to survive and so on, and the economics behind that.

I also was a strong believer in the idea that the Bureau of Reclamation was very strongly in favor of--that is, that the water should be spread among the greatest number of people. This was the idea of the federal subsidy and had been the idea of the federal subsidy ever since the Reclamation Act, I think of 1906 or '11 or whatever it was, a long way back there.

Chall: 1902.

Carter: This was a consistent policy which hadn't varied all that time. So, this was greatly under criticism at that time and under re-examination. The larger land owners were very resistant to the notion of the 160-acre limitation and its restrictive implications insofar as their ability to get water in a federally developed project.

The local people simply were trying to be as manipulative as possible because they found the Corps of Engineers to be more favorable to a relaxed view of the 160-acre limitation and the Bureau of Reclamation to have a more rigid or a more strong enforcement view of the 160-acre limitation.

The larger or the more prosperous economic group simply gravitated to what the Corps of Engineers were attempting, therefore--to go the flood control route, to get their water resources projects developed. Whereas, the small farmer, the dirt farmer, the man who was trying to make a go of it in a small operation looked to the Bureau of Reclamation more. This is where the issue was joined.

It was in part social, and it was in part economic, and it was in part almost ethnic--I don't mean ethnic in the sense of racial, but it was just the nature of your operation on the soil.

So these people were pitted against one another and they had decided views; there was no reconciliation.

Chall: There was none?

Carter: There still isn't. I mean, it's still going on; this argument still continues. The sad part of it is that the various groups sought to seize the instruments of government to attempt to accomplish their various political ends, instead of attempting to approach the matter in a rational way to try for some logical and some peaceful solution to the problem.

There have been some developments on both sides. The methods by which waters are transported and some of the techniques in using it might cause some either minor modifications or re-examination of the basic principles involved. But I think the principles are still as sound now as they were originally, and they were sound then.

Chall: Primarily, the principles on which the contentions were waged had to do (1) with the land limitation, and (2) with power.

Carter: Well, really with water limitation.

Chall: It was the water limitation, that's right.

Carter: Water for land. In other words, they limited the land because you could only have so much water; the limited amount of land could only use so much water.

Chall: Now, did the power interests join forces with those who wanted to eliminate the limitation of acreage?

Carter: Of course. That was natural, because economically the power companies--particularly the Pacific Gas and Electric Company and Southern California Edison Company (I think the Pacific Gas and Electric Company more so)--were more hostile to the Bureau of Reclamation and more friendly to the Corps of Engineers. Although, actually speaking, under the quadripartite agreement on the federal side, I always felt that when it came down to the hard, tough work of carrying out the various functions of the different departments of the federal government--that it would wash out in the end so that a consistent federal policy would be applied across the boards regardless of which department was doing it.

But these people thought they saw some opportunity to maneuver within different departments of government, and for awhile it did work. When you're dealing with people in government and when you're dealing with people, you have a chance for variation.

Chall: Just to bring us up to where we left off last year, one of your major concerns after you took office was the 1944 Flood Control Act.

Carter: Of Congress [1944], and the 1945 act in the state legislature. I was very active.

Chall: In terms of what you were just telling me about your interest in irrigation, and your realization that the irrigation people were going toward the Corps of Engineers because that would eliminate the problem of the 160-acre limitation, did this present a problem to you as a representative of your particular district with respect to Table Mountain?

Flood Control and the Corps of Engineers

Carter: I didn't so treat it as such. The Corps of Engineers had provided for, in their 1944 flood control plan for California, a number of flood control projects running all the way from the Los Angeles River and even as far south as San Diego County, all the way up along the coast and in the interior valleys.

I think the reason that impelled the Corps of Engineers to get into it was that tremendous run-off in the years of 1941 or '42, particularly in the northern end of the state, and to a lesser degree, in the southern end of the state.

Carter: There was a very serious threat, for instance, that the city of Sacramento itself was going to be flooded, and Sacramento was a city of some size. The Sacramento River, and the upper Sacramento River, was extremely high; it was as high as I'd ever seen it. I saw it that winter when that big storm came, and, oh my goodness, it was running 186,000 cubic feet per second there at Shasta Dam and more at Redding.

That was a horrible thing. I don't think I've ever seen that much water anyplace at anytime. Now, I know that the Mississippi Valley has things like this; we had never envisioned anything like that before.

Even the 1955-56 flood at Yuba City, which was on the Feather River and not on the Sacramento--although, when the Feather River flood hit the Sacramento, it caused an increase in the flow of the Sacramento below the Feather and backed the Sacramento up for a ways above where it joined the Feather--these were extremely disastrous and very devastating floods in the areas that were affected. They didn't cover as much area as the 1941-42 flood did. That's my recollection of it.

In any event, Senator Downey, then one of the United States Senators from California--Sheridan Downey--who was a very able senator, had become disillusioned with the Bureau of Reclamation.

Senator Downey had the background of having had some experience as a water lawyer.

Chall: Oh really? I know that his brother had.

Carter: His brother Stephen was a better water lawyer, but Sheridan himself had had some experience. So, he was not unacquainted with the law problems of the water question. He was a good lawyer to those of us who knew him. He was a dynamic debater on the floor of the Senate; he had tremendous capacity to state the issues and to argue them very, very effectively.

He was not as good an organizer on the Senate floor as other senators might have been, but he had great capacity.

In any event, he ran an extremely competent office as well, in giving service to people in California. The agricultural interests were very active in contacting him; these would, of course, be the more active economic interests, the better off economic interests then. He would have more contacts from those groups because they had the better capacity to organize and the better capacity to present their issues to men in a senatorial or a legislative position.

Carter: Actually speaking, the little man--although the senator was not negative to the little man's position--the little man just simply did not have the organized capacity to present his view to the same extent that the better organized economic group did.

Secondly, the better organized economic group is a very substantial group here in California, and was then. It's even more so now. You see, the progress has been toward the corporate farm here, and there are some huge agricultural holdings in those valleys; the land is quite fertile and it's very productive.

However, coming back to this flood situation, and to get back to the problem, the Corps of Engineers came with a program keyed to flood control. Its idea was that it had some structures on some of these streams which also stored water for other purposes; whenever you were in the business of storing water, whether it was for flood control or what, you had all the multi-purposes that flowed from it, including irrigation and including recreation and including--we talked about salinity control--

Chall: And power in some cases.

Carter: And then the residual power development. Labels were hung on these. Some were called power projects, and some were called just straight flood control projects, and some were called just irrigation projects as such. That would depend upon which was the more publicized use that was called to the public attention at the time.

I think perhaps we would probably relabel some of those structures after the years of use that we've seen of them, once we got a better-balanced view of what happened with them. All I'm saying is that the original labels that were stuck on them weren't always the labels that were most descriptive.

Chall: Was the label that was put on them put on them for political reasons?

Carter: Many times. Some people were trying to make political arguments for or against, and if they were in a position to put the label on that they thought was most advantageous to their view, they would do that. They weren't strangers to the idea of trying to sell their ideas to the public in those days.

Public Power vs Private Power

Carter: One of the big arguments, as always, was whether there should be public power. The Pacific Gas and Electric Company was particularly outspoken in its view that public power was uneconomic, and was

Carter: inefficient, and therefore should not be engaged in or should not be developed; that the private industry could do this more efficiently, more economically than government. I think that has been proven now to be inaccurate and erroneous.

However, I think that the PG&E has pretty effectively blunted the effect of public power on the general welfare or on its being used for public purposes. What it has done is to restrict the power of the federal agencies to transport the power to the places where it would be used by the public on a basis of giving the high priorities to the public uses and so on.

It was generally competitive, or they thought it was competitive. I think foolishly so, because as it stands now, there is a power shortage all over the West. No matter how much hydro-electric power had been developed and transported, we still wouldn't have enough to supply the rapid growth that has occurred.

Actually speaking, the PG&E has picked up the surplus federal power and is one of the big customers of the United States. To that extent it has blunted one of the purposes of developing power to use it for the benefit of people as such. Of course, I suppose that PG&E would advocate that it had paid a legitimate price; that therefore that was to the public good and relieved the public treasury to that extent and helped retire the cost of structures and so on.

Chall: Yes. I think that was their argument.

Carter: This is their economic argument. I always took the position that was a very short-headed argument. I came from a community that thought so too. My home community of Redding was one of the early cities to break away from the PG&E control and operation of its power distribution system. The City of Redding, back in early 1920s, went to its own public ownership.

Chall: Before Shasta even.

Carter: Oh yes--long before Shasta. Long before Shasta. Not before Shasta was thought of, because the history of the development of Shasta goes way back, but it was long before Shasta was ever even thought of as being really possible in anyone's eyes. They were working for a project in that area; it was then called the Kennett Dam, which is upstream from where Shasta Dam is. Later, the Shasta Dam was built, some fifteen years after the city of Redding took over the power distribution system.

I can still remember Jim Black saying, "There is not a brown out and there never will be a brown out." The next year he had one and he had to eat those words. [Laughter]

Chall: That was about the late forties too, wasn't it?

Carter: No, that was right following World War II. He was saying, "There's a shortage of rain," and then it rained like the dickens for three weeks. [Laughter] Every time he opened his mouth, some natural thing happened which just made a monkey out of him so to speak. Poor fellow; he was trying hard. [Laughter]

He was a very fine man, as a person; he was a very fine person. The problem of attempting to manage a utility like that, where the burden is to make a fixed return--because the PG&E is itself a public utility, although it's a private public utility, according to my definition; as such, its purpose, to the extent that it's able, is to make a profit for its stock-holders. That is one of its principle motivating forces.

It has other motivating forces. One of them is that it gives excellent service; it performs well and, therefore, to that extent it's a very effective organization. On the other hand, there's no reason why performance couldn't be done by other people as well--not to say that PG&E is bad, or ineffective, or unsatisfactory, in the sense that it does not distribute power and distribute it well and have good, reasonably safe systems. Although, if you wanted to go back and start to pick at certain areas and examine them very carefully, you could point out the inefficiencies and mismanagements in the PG&E system just as well as you could in any government system.

Chall: Well, I really wasn't as concerned about that as with their lobbying and their efforts at lobbying in the middle and late forties.

Carter: They were very effective lobbyists; they had effective lobbyists.

Chall: I think it was at the time when you were active in the legislature, during the period of the forties particularly.

Carter: It was. I knew their lobbyists and I knew them personally, they were all very fine men. They worked hard and they did an excellent job for their constituents. As a matter of fact, in that respect, they had a very competent organization. I always thought that good, sharp operations from the other side could usually match and perhaps do better than they could. This is where we had to just work harder and have our people on the ground.

An informed group of people on the ground can be just as effective as a paid lobbyist if the informed group of people will work at it and work hard and work together. But as soon as the division starts--and I'm speaking of the group of people that are generally subject to the disease of falling into interpersonal warfare, which is most difficult to manage; to get these people to keep their differences adjusted and be effective is very difficult.

Developing the Multipurpose Concept in Water Resources Management:
Five Days of Debate, 1945

Iron Canyon-Table Mountain: Agriculture, Cattle, Fish

Chall: Even, I noticed, in the Sacramento Valley there was the upper river and the lower river, and the people in these areas were not agreeing very often on many things.

Carter: Then let me explain. That's very true. The Iron Canyon-Table Mountain problem was two problems, not one. More than two problems, as a matter of fact. It was a problem of the upper valley versus the lower valley on flood control.

Now, on the beneficent purpose of flood control, I don't think we had any dissenters. I never dissented from that purpose. I always argued that Iron Canyon-Table Mountain was not the most effective unit. It might be the most effective unit in one place, but it had a great deal of negative indications in the local area. Coming from where I came, I always felt--in terms of our personal interest--it was a very damaging project because it destroyed a great deal of our agricultural land, and we didn't have much agricultural land; we had more timber land than agricultural land.

I happened to represent an area which would have been considerably damaged by the Iron Canyon-Table Mountain Dam, the reservoir particularly to the high dam that was proposed at that time. There would have been some 20,000 acres of Shasta County flooded out, and this was right in the heart of the agricultural area of my county, which wasn't very great. There was other land in the mountain valleys, which didn't have the big agricultural area. Our livestock operations went from the floor of the Sacramento Valley up over the Sierras, up over the Trinitities, and down over the valleys of the other side. And they generally followed the feed over the hill in the summer, and then they came back down into the floor of the valley in the winter. Or they would start on the other side of the mountain, in the high mountain valleys, where they had their feed stacked with someone. They had two different kinds of operations.

So, we didn't have a very large amount of agricultural land. There's only about 35,000 acres of agricultural land in the Anderson Valley, which is the main area under production. If you took 20,000 out of that, it was just like gutting a pig; it was just going to be dead, that's all.

Chall: Fishing, I think, was a big problem.

Carter: Yes, and this interfered with the fishing runs in the Sacramento River with the anadromous fishes and mainly the salmon. A number of these things, which actually had not been studied. I can still remember--I think it was Major General Robbins, the chief of the Corps of Engineers in Washington, testifying when he was asked by one of the senators on the senate committee before whom this bill was presented.

He said, "General Robbins, what is the effect of this Iron Canyon-Table Mountain Dam on the salmon run in the Sacramento River?" Major Robbins said, in a rather hurt voice, "You know, we went over to the Fish and Wildlife Bureau and asked that question; they said, 'Come back to us in five years and we'll tell you. We'll have to run a test run on it to see.' We wanted an answer tomorrow if we could get it, or within a few months at least." [Laughter]

He said, "They just said they couldn't give it to us, that it was too big a project. So they put a fish meter in at the Anderson-Cottonwood Irrigation Dam in Redding. They counted 140,000 in one run, and that's as big as the run on the Clark River in Washington."

He said, "You know, nobody ever expected it to be that large." Of course, those people who lived in that area knew you had some fairly large runs there. But already, Shasta Dam was then in operation and had cut off the upstream runs. So it was a combination of the excellent facilities they have at the Coleman Fish Hatchery, in which they hatch salmon and then supplement the natural salmon run, which is the river's overspawn between Red Bluff and Redding.

Chall: So it really wasn't a valid argument, the fishing argument, do you think?

Carter: Well, it was a valid argument in parts, because they still have a tremendous run north of the Table Mountain.

Designing Legislation to Achieve Administration of State Water Resources: The State Water Resources Board

[Tape 8, Side B]

Carter: I had two devices. On the flood control bill as a whole, I was very disturbed at the singleness of approach by using the name flood control and giving flood control the predominant legislative purpose in this legislation. Actually speaking, the legislation had many other related uses of water besides flood control in it, such as irrigation, such as navigation, such as recreation, such as supplying of water for the fish and supplying of water for salinity control--all the multipurposes for which water could be put.

Carter: I viewed it as a resource problem and a management problem of the resource of water, rather than the single problem that resource water causes from time to time when it runs off in floods.

In other words, here in California we have this annually, if we don't manage the floods; if we do manage the floods, then we can store water for irrigation, we can have water for power development, we can have water for recreation, we can have water for these other purposes.

One night I sat up with one of the young men in the Bureau of Reclamation; it happened to be James Carr, who had gone to school with me, all through grammar school and high school, and who was an assistant to the regional director there in Sacramento.

Chall: The regional director of the Bureau of Reclamation?

Carter: Yes.

Chall: Who was then Mr. Carey?

Carter: Carey, yes, Mr. Carey. We sat up till four in the morning and drafted ninety-seven amendments to that Flood Control Act of 1945.

Chall: Now that Flood Control Act of 1945, was that also the same act that set up the State Water Resources Board? I've always wondered.

Carter: Those were part of my amendments--the creation of the State Water Resources Board.

Chall: I see. So that was really--that ultimately became one bill, is that right?

Carter: Yes. The Water Resources Board and the general uses of water idea was what I amended into the whole bill as a policy proposition, treating water as a whole management problem rather than as just simply a flood control problem.

Chall: It started out, then, to be an irrigation and flood control project solely.

Carter: Essentially a flood control project. It was dominated by flood control people. You know, the Corps of Engineers has been active in flood control for over two hundred years. Their function has expanded as time has gone on, and in the process of handling flood control, they have then gotten into, as a subsidiary to that, the irrigation aspects of it, and any other aspects of production of power and all these other functions that go with it.

Carter: The Bureau of Reclamation started with storing water for irrigation and then got into the other functions such as the storage of power and the storage of water for other purposes as well. The Bureau of Reclamation was in the Department of Interior.

Here are these two agencies, both dealing with the same resource, water, starting from different points; they have arrived almost at the same end result.

Chall: But with slightly different kinds of policies.

Carter: With the background and history of emphasis on one side and emphasis on the other--that is, the Corps of Engineers being emphasis on flood control and the Bureau of Reclamation being emphasis on irrigation.

Chall: Let me get the genesis of this act of 1945, which I guess is called S 677.

Carter: That was the Crittenden Bill.

Chall: That's right. It started out then primarily as a flood control bill.

Carter: Exactly.

Chall: To be sort of attached to the one--complement the one from Washington.

Carter: To carry out the congressional 1944 Flood Control Act.

Chall: Okay. I think I've finally got that straight.

Carter: That was the purpose behind it.

Chall: Now, as I understand it, the bill that finally came out was substituted because of opposition to the concept of pure flood control.

Carter: That's exactly right.

Chall: Your amendments, in effect, changed the entire bill.

Carter: Yes. We changed the emphasis of it from flood control to water resource.

Chall: Did you add the seven-man advisory commission in your changes?

Carter: I think we had a seven-man committee or commission, one of the two; whatever it was, we had it. We had one set up; I don't remember the precise details right now, but we set up a board appointed by the governor and confirmed by the senate, right down the line, in line

Carter: with this standard form. Now then, after I had introduced those, the governor [Earl Warren] then said he thought that was an excellent idea and supported the water resources idea.

I had not discussed it with him before that. However, I did take these proposed amendments--the general ones--to Senator Crittenden at least a week or two before the matter came up on the floor of the senate. I said to him, "Senator, I have prepared these amendments and I want them to be considered by your staff and your committee with the idea that I would be hopeful that we could arrive at some agreement, rather than to enter into a big fight about it."

There were attached to it then, also, an amendment to strike out the Iron Canyon-Table Mountain project. They accepted all of the amendments--or most of the amendments, and I think all of them--except that one, because they said they simply couldn't do that and break their front of the people who were supporting the legislation. I understood that.

I said to them, "Well, then, Senator, as far as I'm concerned, I'll offer the amendments from the floor; they'll be sent out to print so the senate can examine them. Then I will state that they have been examined by your committee and have been approved by the people whom you represent. Then they can be adopted. I will not ask for its adoption until after you've had that opportunity."

Chall: This was done then as a part of the Joint Interim Committee. Was it a Joint Interim Committee bill?

Carter: It was an Interim Committee bill, but I knew Senator Crittenden quite well; as a matter of fact, I sat right across the aisle from him. We were very friendly and we used to talk. He was from Stockton and I was from Redding; we were both in the Valley, and we represented Valley interests, and we had some identity of purpose there. Crittenden was a lawyer and I was a lawyer; we understood the make-up of the thing. There wasn't any personal hostility; we just were trying to do as good a job as we could.

The idea of the water resources had generated in my mind back in earlier sessions where I had noticed the number of water agencies we had in the state of California. When we would get discussing water policy in the committee, I used to say, "These are all confusing because we don't have any overall state policy. We have a state Bureau of Water Resources in the Department of Public Works, which covers its functions and does it well; but it only had a limited area."

"Then you ask the state engineer, Mr. Hyatt, 'What about this,' and he says, 'That's not in my area of activity; go peddle your papers and I just won't do anything about it.' He said he didn't want

Carter: any part of that fight." I understood him; he was a very fine man, a good man. He understood the make-up; he'd been state engineer for years. He was a veteran and he knew how to stay out of the road.

After I'd been there in '41 and '43--and this was '45--I'd had the benefit of two sessions to get acquainted with the multiple agencies we had. There was the Colorado River Board, there was the Irrigation Districts Association, there was a flood control board--and this affects certain areas of the state; it doesn't affect the whole state. It was all fractionated up.

I said, "While that's nice for the local people, it doesn't give us any general policy. The governor has to be a super-human man to ride herd on this, and he's got too many other things to do."

I devised, then, this idea of setting up a statewide agency which would then begin to set statewide policy. I knew that those other agencies were still going to be in existence, but I expected that in time they would either phase down or out as time went on.

Chall: Was your first intention to eliminate, or if not to eliminate these other agencies, to bring one particular agency in charge of them all, the way it was finally done in 1956?

Carter: At that time, if I could have, I would have had one agency to run the whole thing.

Chall: But you couldn't, is that it?

Carter: I didn't think I could get away with it.

Chall: So you didn't even try?

Carter: [Laughter] I talked about it but it didn't work. I had previous legislation but it didn't get off the drawing board.

Chall: Because it took until 1956 to achieve it, I wondered if you had attempted it and had failed at that point.

Carter: I tried a little bit. I toyed around with it, more than just in a passing way. I had legislative counsel draft legislation to accomplish this. I had a lot of irons in the fire going in that direction. As I say, I was not uninformed or inexperienced in this idea. This was just simply a transposition of the idea into a new vehicle, when I came to this water resources idea into the flood control. It was a convenient place to get off on, and I did; I got off to the extent I could.

That's not crass; I think it's a very practical political approach to how you try to solve realistic questions. But they're also philosophical, and I wouldn't have done it if I didn't think it was right.

Carter: I thought that, for the well-being of the state, it was wise to have overall policies being laid down by one agency and not by six--I think we had at least six different boards.

Chall: So what you achieved was at least a title--Water Resources Board.

Carter: A beginning in that direction. It was an opening wedge that I didn't think they'd let lay there without using. My evaluation of human nature was that with that vehicle there, they couldn't let it go by. [Laughter]

Chall: I have a couple of, what I suspect are contradictory sources, then; at least, they seem to contradict one another but perhaps they don't. From someplace, and it may have been somebody else's recollection, it was indicated that Governor Warren had introduced the legislation for the State Water Resources Board; that Governor Warren had allowed or asked state Senator Bradford Crittenden to introduce it. That isn't the way you indicate to me that the bill came about.

Carter: No, I didn't--Warren picked it up very quickly and was very friendly to it, but he didn't start it originally.

There's an article in the Sacramento Bee which was written by Pete Philips saying that Warren had heartily endorsed this amendment. This could be checked on that basis.

Chall: I like to check these things.

Carter: Bill Sweigert here might know something on that more than I do about Warren's thoughts on it; Warren undoubtedly had thoughts on it.

Chall: But it wasn't his bill?

Carter: No, it wasn't his bill. I sat up till four o'clock in the morning myself and did that; I know. [Laughter]

Chall: With whom did you work on these amendments? Was it only Mr. Carr?

Carter: James Carr and I--the two of us sat there together and wrote it one night.

Chall: Who would you say were also behind this? I mean, you must have felt that you had support to spend all this effort.

Carter: We were brash young men; we were just brash young men from the country and we just thought we were going to try it and see how it went. [Laughter] Certainly, he probably cleared it with Mr. Carey; I don't know how much he cleared with Mr. Carey. I didn't care whether he cleared it or not; it didn't make any difference with me. I knew what I wanted to do; it was a question of putting it down in writing.

Carter: He was a very expert water technician. I wanted somebody around with the know-how of how you put things together. He was a superb administrative engineer. He's very good, and in the water field he's done tremendous things.

This is when he was quite young, and I was quite young--I was just in my early thirties--and we were brash, I'll tell you. We weren't very mature in that sense.

Chall: That may have been the reason you got it through, or at least tried it. Somebody else who felt that he might not dare to tread here might have just let it pass.

Carter: Well, we got A for effort at least. [Laughter]

Chall: You got the bill passed.

Declaration of Legislative Intent: No Dam at Iron Canyon or Table Mountain

Carter: Yes, we got the amendments in. So the second device I used was this: I knew--it was no secret--that in the report on the 1944 Flood Control bill--the House or the Senate report, whichever it was--there were two alternatives to the Iron Canyon-Table Mountain Dam. One was the bypassing of Butte Basin and the other was--it may have been the tributary system or something.

Chall: There was a tributary system.

Carter: Yes, but they weren't very strong for the tributary system then; they're going back now and doing just what I said they were going to do. I argued this on the floor. This was one of the points I made when I argued this very amendment--that is, the amendment that in the place of Iron Canyon-Table Mountain Dam it be declared to be the legislative policy of the state of California that the state would prefer the building of any project but a dam across the main stream of the Sacramento River at Iron Canyon-Table Mountain.

Chall: Yes, and somewhere I read that it was the plan of the Bureau of Reclamation to set up in the future some tributary system; it wasn't immediate.

Carter: Well, the Corps of Engineers is doing the same. I said, "I don't know who's going to build these tributaries." I was arguing that the tributaries were a feasible alternative. There were five different streams that ran into the Sacramento above Iron Canyon-Table Mountain.

Carter: I said, "I don't know who is going to build these, what agency--whether it's the local agencies, or whether it will be the Corps of Engineers, or the Bureau of Reclamation. But just as sure as I'm standing here, all or at least a good portion of those projects will be built. And I hope, in my lifetime."

I said, "Because it's just as economically sound that it be done. Now, whether it be done now or sometime later is for you to decide here." That's the theory I was arguing--they should select the alternative of the tributaries. They then finally adopted the third alternative that the state would prefer any alternative except a dam across the main stream of the river.

That declaration of state legislative policy has effectively prevented the building of that Iron Canyon-Table Mountain Dam. This was just simply using an old device--not an old device; well, it is relatively old in legislative practice--but just a matter of declaration of legislative intent. It's as old as the hills and something I learned in my first session of the legislature--to declare the intent of older legislation.

Here I was just declaring the intent with which the state was accepting the federal legislation. They bought that one.

Chall: Even the lower Sacramento water users didn't fight it too much?

Carter: Well, it wasn't a unanimous thing, but I had enough votes so that we got the amendment adopted. [Laughter] The way I felt--that was my neck; in other words, as a representative who represented people of the local area, this is where my neck was on the line. I was producing or not producing.

I think I made probably the best productive effort that I've made over the years in handling a very difficult situation. The way they were stacked up in having the votes wired in support of the flood control legislation and approving the federal project was so overwhelming that I knew I had to get some sort of a diversion.

Chall: So you had to create the State Water Resources Board in order to get the state's intent on policy?

Carter: No, they were two separate things.

Chall: Oh they were?

Carter: I didn't play that as a political ploy; I was serious in both of them and I would have been unhappy if I'd lost both of them. They were two separate things, however; and they were not related. If I had won one and not the other, I would still have been unhappy.

Chall: I see. Was this both within the same session in 1945?

Carter: They both were in the same bill. [Laughter] It was five days; I was tired for five days.

Chall: This was the time that you debated the bill for five days? In 1945?

Carter: That's right.

Chall: I'm glad to know that. I thought it might have been the one in 1947 which we'll talk about later.

Carter: I had a long-range one there, but it was not nearly that long. This was the longest time I've ever debated continuously while the senate was in session.

Chall: Why did it take so long? I can see that there were a number of people--those who were supporting the 160-acre limitation and felt that the Corps of Engineers' plan on flood control per se was going to undercut them. That might have been people like Grace McDonald, and Sam Wood, and the Grange perhaps.

Carter: George Sehlmeier's group, yes.

Chall: Right. And on the other side, perhaps the larger landowners who were concerned also about the 160-acre limitation. Those forces came to play on your bill. Is that why it took five days?

Carter: They weren't concerned about the Water Resources Board that much.

Chall: They were concerned about flood control.

Carter: Getting the flood control bill through as it was.

Chall: That was the argument--the contention?

Carter: So Crittenden delivered that. I gave him that package with the one amended modification to it, which still had Iron Canyon-Table Mountain there, but it had that legislative declaration of policy in it. Then it was up to the federal government. I had to accept that as a sufficient hope. I knew from talking to--I had talked to the then-Congressman Engle about it. I said, "Clair, what do you think they would do if I got the legislature to adopt this policy?"

He said, "Well, if you get that policy in, that's pretty much a command. I don't think any government agency would have the guts to go around it." He was a very forthright guy, although he was for the Flood Control Act. We had a real big go-around on that one.

Carter: As a matter of fact, in that one year, when he ran in 1943 at the special election when Congressman Englebright [Harry Lane] died, he was strongly supported in my county and the other county I represented. Not only I supported him, but Ed Regan supported him, who was the district attorney over in Trinity County.

Then when he ran for re-election, the Flood Control Act of 1944 had had his support. There was quite a bit of hostility. We just took after him and we turned that vote clear around. That's the only time he ever lost that county, in that year.

Chall: He did lose your county then?

Carter: He lost both counties, and he lost them by a substantial vote.

Chall: But he still managed to win.

Carter: He got re-elected because he won in the other counties. But we showed him we had bite. [Laughter] He said, "You guys know how to play rough." [Laughter]

Chall: I had read somewhere that he had been rather quiet during most of his term on the water issues.

Carter: No, he then became chairman of the Irrigation and Reclamation Subcommittee, and he was a very able guy. He did lots of things for that countryside. He was a very, very effective congressman and later senator until he became ill.

But I was very close to him and I knew him quite well. Of course, I was raised with him and I knew him as a young man. I went to law school with him and I knew him in high school and so on. This went way, way back.

More on the Creation of the Water Resources Board

Chall: I want to read something to you that is a quotation from a major book that was written in, I think 1968, on water in the state. It's quite thorough. In the light of what we've just been talking about, I'd like to have you respond. The author, whose name is Erwin Cooper, has written a book called Aqueduct Empire, and indicated that by 1945 the major interests in agriculture was big agriculture. This is the quotation: [page 168] "Thus it was that the impressive assertion of the people's stewardship of water was composed, the Water Resources Board was created, the task of taking stock of California's water supplies and needs was assigned to it, at the instigation of the farm-finance partnership. The almost socialistic wording of the declaration

Chall: was the work of men to whom socialism was an anathema--along with the acreage limitation." The thrust of this being that this water resources act that created the board was really the work of the large ranchers.

Carter: Well, I don't know what occurred after I left.

Chall: He's talking about your bill.

Carter: Well, he just doesn't know what he's talking about.

Chall: That's what he's talking about--1945.

Carter: I don't know whether socialism is an anathema to me because I don't know whether I'm socialist, capitalist, or what. I never wore a label and I won't wear labels in that line. I have my own notions about what I believe economics is, and I am not socialistic; neither am I capitalistic.

Chall: Did you help write the beginning--

Carter: I wrote the original amendments and those are my own words; I wrote the declaration policy.

Chall: You wrote it. He seems to feel that that was--he said the "act was prefaced by the most sweeping declaration yet of the state's concern with its water. It affirmed the people's primary interest in control, storage, etc." Then he continues, "The act created a new agency to carry out its purpose--the State Water Resources Board." But he indicates--he seems to feel that this was really the project of the large ranchers.

Carter: No. They didn't add a single word to what I said. They took my amendments carte blanche.

Chall: And it was really the Farm Bureau Federation who would have been backing Mr. Crittenden's original bill?

Carter: Absolutely. I knew the guy who ran the Farm Bureau Federation; he used to come and talk to me. But I was more friendly to the man who was president of the Grange.

Chall: I see. Sehlmeier?

Carter: Yes.

Governor Warren's Appointments to the First Water Resources Board

[Tape 9, Side A]

Chall: If you have nothing more to say on the setting up of this board or this legislation, then we can go on. But it's so important that we cover it because your information here is absolutely unavailable.

Carter: That about covers it.

Chall: That about covers the way the legislation was accepted.

Carter: Yes. Then, we didn't have much of a problem from there on out.

Chall: We'll get into that in the 1947 act. Now, could you tell me then something about the board itself.

Carter: You mean the State Water Resources Board?

Chall: Yes. That State Water Resources Board then was appointed by the governor. Who helped him?

Carter: He did his own selecting. Earl Warren, in my memory, had his own views about who should be appointed and he didn't take too much time to appoint his people. He did ask me if I thought a man from my area--Clair Hill, I believe it was, an engineer--would be all right. I said, "Well, Clair is fairly conservative but he's a good, honest engineer and he'll give you honest answers, whatever they may be." He would be, I thought, conservative in his point of view.

I had gone to school with Clair, again to talk about schoolmates. I said, "As far as I'm concerned, it's all right if you appoint him. I wouldn't have suggested him in the first place simply because he wouldn't have come to my mind as a person who would be active in that area. But if you want to appoint him, I wouldn't oppose him and I would very much support him."

Chall: He I think was a later appointment. Now, the first appointee who, I would guess, might have been from your area was Royal Miller.

Carter: Oh, I knew Roy Miller from Sacramento. I would have supported him strongly.

Chall: I have this list; I think it's accurate. The first board was Royal Miller, Phil Swing, Howard Cozzens, Roy Meikle (from Turlock--general manager and engineer of the Turlock Modesto Irrigation District).

Carter: Yes, and that's a good irrigation district. Excellent irrigation district.

Chall: I see. Lester Ready, who was an electrical consultant and a consulting engineer on the original Central Valley Project, in San Francisco; B.A. Etcheverry, a professor at Berkeley.

Carter: I knew Etcheverry and I don't think I would have been very strong for him, although--he was also very close to PG&E.

Chall: Oh. And C.A. Griffith, president of the Azuza Foothills Citrus Company.

Carter: Yes. You see, other than Miller, and Etcheverry, and the man from Turlock, whom I would have known by reputation since I didn't know him personally--these were the only people I knew of. The others I didn't know. I just simply knew Warren as a kind of a man who usually went down the line with appointees who were not going to be bound up with any private interests. That was his general style. I accepted his integrity.

My experience with him was that this was the general end result. I never knew of any of his appointees who were venal in that nature; they always stood their ground for the public purpose.

Chall: These men?

Carter: Not only those. No, no--I wouldn't call that an outstanding board from what little I know of it, but it isn't a bad board.

Chall: That was the 1945 board.

Carter: Yes, it might have been. Maybe he had some pressures on him about getting a cross-section.

Chall: Yes. I think this was a claim made during the state water conference in 1945, that the board represented all areas of the state.

Carter: That could be. Others would know more about that than I. I didn't bother myself with who was going to run that board. I just really--I set it up and said, "It's none of my business now to run it." I believe in letting other people do their jobs; I'll do mine.

Chall: The information that I have is that this board, whether it was this one or the other ones, but almost from its outset I would guess, was opposed to the 160-acre limitation and that it had a strong feeling for and interest in buying back the Central Valley Project.

Carter: Well that may be. There were some ideas in that. If they had ever done that, from a state point of view, they might be, in terms of their own economics, better off.

Carter: But that isn't what they did.

Chall: No, they weren't able to achieve these purposes.

Carter: No. I don't think they ever will, if they ever could.

Senator Bradford Crittenden

Chall: Well, that's another matter. Could you give me some information about Senator Crittenden. His speech at the state water conference indicated that first he talked about the new legislation, about the board and then he said, "Now I'm going to talk, not as a member of the Interim Legislative Committee but just as myself."

Then he went into a long discussion which ended up with a strong tirade in a sense against the Bureau of Reclamation and its totalitarian, undemocratic handling of the farmer and the farm issue.

At one time, I think, he also said something to the effect that it was a communistic--did he really feel this or was this the rhetoric of the day?

Carter: Well, part of it was rhetoric. I used to try to ascertain how deeply he felt this. I don't know that he did really feel it. He was a consummate politician. He was always watching how things were going. He read the Stockton Record very carefully. He knew the people. He was a very able man in his way, and he was an honest man; I don't mean to say he was dishonest because I never have had him back out on any kind of an understanding we ever had. I've been around him quite a bit.

On the other hand, he was, as I say, just a consummate politician; you had to know that you were dealing with that kind of a person when you were dealing with him. He was an extremely courteous and gentlemanly man--very easy to get along with. Very friendly. We had offices next door--this goes way, way back. I used to know the girl who worked for him quite well. She was a friend of my wife's; her husband worked for me for a while, and so on.

These are all sort of inter-family relationships in that sense; when I say family, I don't mean personal family but the senatorial family. You know, you just get to know people around the place and that's the kind of thing you learn to live with.

I don't think that Senator Crittenden and I very often agreed, except maybe on questions of some of the judiciary things as the policy of law, that is the procedural policy--the courts and things like that. He was fairly liberal there.

Carter: But I wouldn't classify him as being liberal. Neither was he completely conservative, though. He was sort of a mixture of a guy, rather strange to understand. But as I say, he was absolutely honest and forthright. He sometimes gave you a lot of words when he was up arguing, and I used to say, "What are you talking about?" just to find out, to try to get what he said. Then he'd just say, "Well, you heard it." He'd just leave you that way, never would explain. [Laughter]

He was sometimes a little difficult to understand, but he was very friendly about it--never hostile.

Chall: You think that the words he used to express himself against the Bureau of Reclamation may not have meant more than just getting his point across?

Carter: I've seen him take the floor of the senate and just be trembling and then walk away with him and he was laughing. [Laughter] I say, he's an interesting person in that way.

I used to say, "Brad, I'm going to keep an eye on you." [Laughter] "You give me all that motion and then..." "Oh," he said, "I meant it."

Chall: For public consumption perhaps.

Carter: We used to say--his teeth were gone and we used to say he couldn't bite you but he could gum you to death. [Laughter]

Chall: It's always interesting to get a line on these people; if you simply read what they say, you might get an entirely different point of view.

Carter: He used to make some florid statements that were not really--I never could get his statements--when you really sat down and talked to him quietly, he was a very gentlemanly and understanding guy in many ways.

But on the other hand, when he got to debating and got carried away, he was sort of like the guy who gets carried away with his own words. [Laughter]

Chall: He was strongly opposed, though, to the 160-acre limit. No question about that?

Carter: Oh, yes. You knew that when you started; you knew just where he stood--he didn't kid you. There were a lot of them in that class; I had a lot of good friends in that class. [Laughter] I told them, I said, "Look, you vote one way; I'll vote the other." [Laughter]

People on Different Sides of the Water Issue

Chall: In the manner of the administration, both Mr. Hyatt and Mr. Edmonston were also, as I understand it, opposed to the acreage limitation.

Carter: I think Bob would probably do more than Ed Hyatt would. Ed was a more consummate political man than Edmonston was. I always thought he was a far smoother operator--Hyatt was. My impression of Hyatt was quite high, not that my impression of Edmonston was low, but Edmonston was a rougher-hewn guy, you know, a big fellow. Hyatt was a short--not so short but little, and slight, and he was very sharp.

I don't think he was as negative on 160-acres as Edmonston was. Edmonston had rather strong views.

Chall: I see. And Edmonston was concerned too, I've read, with seeing if it were possible for the state to buy back and in some way control the Central Valley Project again.

Carter: He was one of those. Yes, I would put him in that class. Oh yes. Charlie Purcell was another consummate guy and a very able one. I never could ascertain just where he stood on acreage limitation or what his philosophies were in that sense, but he was an excellent administrator.

Chall: Where was he?

Carter: He was the director of public works under Warren, and he was a very competent man.

Chall: What about Mr. Holsinger--did you know him at all?

Carter: Oh yes.

Chall: Did you know Gilbert Jertberg?

Carter: Oh sure I knew Gilbert. I knew Gilbert then and I've known him since he's been on the court. Gilbert was a very able lawyer in Fresno. He represented big agricultural interests; he'd pretty much take on the coloring of his clients.

Chall: I see. Those are the anti-160-acre people in power, possibly. What about the--you've spoken of Mr. Sehlmeier, whom you apparently knew pretty well?

Carter: Yes, I knew George.

Chall: Did you know Grace McDonald or Sam Wood?

- Carter: I knew Grace; I didn't know Sam. I've heard of him but I didn't know him. I knew, of course, Neil Haggerty and the men that were actually on the floor up there. Charlie--he's an attorney in San Francisco now; has a bum leg--Charles Scully.
- Chall: I see. I was just trying to get a line on some people who would have been lobbying you on both sides, and did they do so? Were you always in touch with these people?
- Carter: I'd listen to them. Some I agreed with and some I didn't. Of course, you always like to be around the people who agree with you more. I knew Dick Boke when he was there, and I knew Mike Straus, who was commissioner.

The Bureau of Reclamation

- Chall: Yes. Could you tell me something about those two men because later on, of course, they were under such fire from Downey; Dick Boke has been spoken of as a weird man, a hard man.
- Carter: He had a lot of personal habits, but--
- Chall: I knew he was tough on the 160-acre issue.
- Carter: He was, and he was tough philosophically. He had strong notions. He was a very forthright guy. He was very practical. I knew him when he was quite young, comparatively, more or less in my age group--just slightly older. But, you know, he had personal habits--the way he lived, the food he ate and things like that. Not that he was too peculiar, my goodness.
- Chall: What did he eat?
- Carter: Well, you know, grains and things like that.
- Chall: He was a natural food man in those days--a vegetarian?
- Carter: Yes, in the early days of it. There's nothing wrong with that, but he was then a little more odd than he would be today. A little different. But he was a very fine guy as far as I was concerned. Some of those bureau employees--I often wondered if they really always told me everything that was going on so that I knew what the score was on that point of view.

You know, you have to judge men as to how much they will disclose to you. I often was concerned about Carey, as to how fully he would disclose. But I knew Jim Carr well, and I knew I could always say to

Carter: Jim, "Now I want it straight, Jim; I just don't want any baloney." Jim was always level with me, whatever it was; we could talk very frankly with one another.

Now Straus, I was always a little bit on my guard at least, as to just how sound it was, although I found him to be accurate almost always.

One of the really fine men I got to know was a lawyer they had there by the name of Lee Graham, who was a very excellent scholar on reclamation law and was just a real gentlemanly fellow and an excellent man. I was very, very fortunate to be able to know him at that stage.

Chall: Was he on their staff out of Washington?

Carter: Yes. He was their chief counsel.

Chall: I see. What kind of information would you be seeking from these people?

Carter: I'd be seeking everything from legal opinions, to philosophic explanations, to factual dissertations about what had happened and so on--these were moving times, times when things were happening. You had to keep up with the dimension of the day-to-day happenings in Washington, and Sacramento, and the rest of the state and the rest of the West.

You had the Denver office of the Bureau of Reclamation that was always issuing some sort of statement which sometimes you had to watch out for, to insure that they didn't undermine you; they were talking about reclamation in different senses. We used to have to tell these people out here to tell them to slow down a little bit here or there.

The Corps of Engineers

Carter: This was not much of a problem; it was minor. But, you know... And they had some excellent men in their system, as they did in...the Corps of Engineers men were good men. I suppose I built up some negative views on the Corps of Engineers because of that Iron Canyon-Table Mountain experience. I thought they were rather rigid in their approach of not considering the alternatives to it any more carefully than they did.

They had an engineer there by the name of Kochis who was a man of some ability and capacity. He used to make presentations. You'd have to meet him around from place to place, and so I used to watch him rather carefully.

The officer people were just simply professional officers.

Chall: Yes. It was an army group.

Carter: Yes. They were taking their policy strictly from the chief of engineers and that's that, who was another army officer.

Chall: You knew where the Corps stood. It was simply to build the structure and let the water through, whereas the other people had tremendous amounts of philosophical content, didn't they, to what they did?

Carter: Oh yes. Oh yes. Then I suppose that Ickes was partly responsible for this, and a number of other people in the Department of the Interior. I knew some of the people up on the top there. I didn't know them extremely well but I knew them.

The Department of the Interior

Chall: William Warne was there; did you know him?

Carter: Oh I knew Bill, you bet I did.

Chall: And Abe Fortas?

Carter: I met Abe.

Chall: So did you travel to Washington from time to time to get some information?

Carter: Oh yes. Not only that, I testified before several of the legislative committees back there. I tried to stop the Iron Canyon-Table Mountain Dam there, but we couldn't do that. So I had to develop this other device.

Chall: I see. When the federal government--the Senate and the House--in 1944 were considering the so-called Elliott rider, which would have eliminated the 160-acre limitation...

Carter: Oh yes. I remember. I knew Al Elliott well.

Chall: Did you testify there? Of course, they did bring hearings to the San Francisco area.

Carter: I don't think I testified on the Elliott rider; I'm dubious. I doubt that I did. I talked to Engle about it, and Engle voted right on that one.

I knew Al Elliott and I used to hear him take off on those tirades. He used to argue with Sheridan Downey in his office privately. You know, he used to take off at Dick Boke and Mike Straus, and he'd go

Carter: into high gear. He'd get red-faced and I'd say, "Now, Sheridan, don't get yourself sick over this." [Laughter] I said, "They're human beings."

I liked Sheridan personally, and this is why it was awfully difficult for me. I tried to keep him settled down as much as I could, but he had his mind made up. I just simply said, "I'm not going to disturb him anymore. He's a strong man; he's got his own mind made up. That's his idea and let it be."

Chall: Did you testify before any of the hearings that were on S 912? That came in 1947, to eliminate the 160-acre limits from California, Texas I think, and Colorado?

Carter: No, I didn't go back on that.

Chall: There were hearings both here and again in Washington. But you didn't testify in those?

Carter: No. I don't know where I was. I was so busy in 1947.

Chall: That's right. That was a busy year.

Carter: It was awful.

Chall: So that actually you were aware of what was going on in the federal government with respect to the attempt to eliminate the acreage limitation, but you didn't participate in any way?

Carter: No. I had too many other things to do.

XX THE 1950 ELECTION CAMPAIGN FOR U.S. SENATE

Sheridan Downey Decides to Retire

Chall: Well they were happening here too. I'll let further analysis of Sheridan Downey go until we get into the 1950 election period. Well no--go ahead; I think you have something on your mind.

Carter: I know that 1950 election period. Two incidents that I remember. One is that I had attempted to get Sheridan to run for reelection because I had analyzed the matter--I was then the state chairman of the party--and had concluded that Sheridan had the better chance to be elected, and that if Helen ran--although I was very fond of Helen personally--that that would give Dick Nixon his chance to be elected. I had concluded that that was the one thing I didn't want.

I knew that Helen Douglas was just going hell-bent for election and that she was going to be right in this thing, and Nixon not only could but probably would beat her. This was hard to say, but when you coldly analyzed it, I could see it coming.

And I said so. I said so in two or three places. I got back a letter from a dear friend of mine in Fresno, Tom Lobis, who was an attorney down there. He said he couldn't understand why I was saying that Helen couldn't be elected and that I was supporting Downey, in view of my position on the Central Valley. I said, "I don't agree with Downey on Central Valley, but it's the only place I don't agree with him. On all the other issues, his record is excellent and he's stood very strongly for Democratic policies. That's number one.

"Number two. He's the one Democratic candidate that probably can be elected, and if he runs he will be elected. If he doesn't run, then I think that Richard Nixon will be elected. As state chairman, my duty is to try to get the candidate who will be elected, who is acceptable on policy matters by and large. I realize that most any candidate you would have would have some areas of disagreement or disaffection."

Carter: We'd had enough of that over the period of years, and this is a matter of importance; it all depends on how far you put it up on the scale, where you rate things.

"But for things that have been done for people, Sheridan Downey rates very high," I said.

Chall: Actually, did he have the time and the energy to do things for people in the Senate, besides the water issue? I was under the impression that it dominated his entire interests; but it didn't?

Carter: Oh no. He was almost fantastic in his ability to accomplish things.

Chall: I see. So he did get behind the Democratic party on social issues that they were concerned with in those days?

Carter: Most of them. He was very strong; when he was on your side, boy he was on your side. He was unstinting; there's no question about it.

I just had analyzed it that way and I said so to Tom. So he wrote back and he said, "Well, if that's the way you feel, that's what you have to do."

Of course, later, I told him that, well, it didn't bear fruit anyway because right after I talked to Sheridan, his peptic ulcer started to act up. [Laughter] His wife called me and told me that I ought to have my head examined for trying to get him to run for reelection and that he wasn't going to run for reelection.

Chall: On the basis of his ulcer?

Carter: Yes. Peptic ulcer, oh yes. Well, he said that he didn't like the option of running against Helen Douglas in the primary, although he thought he could win. I said, "Well, Sheridan, I think you can win too; but I realize that's where you're going to have your big fight." He wasn't concerned about having to beat Nixon in the general election.

But he said, "It's the resource that you waste, and my energy is limited because of my ulcer condition. I just feel that I would be wasting myself, and I'm getting along in years." He was way up in his seventies.

Chall: Oh, he was? Oh, that would make a difference. I didn't realize that.

Carter: Yes. He had been two terms in the Senate. He said, "Well, I've had my time here, and I think I'll retire." I said, "Sheridan, of course, you're the one candidate who can be elected, and I think we can unify the party pretty much behind you. But I know there'll be some minor disaffections."

Chall: Well, he had quite a bit of-- Would he have lost quite a bit of labor support and maybe small farm support as a result of his attack on 160-acre limitation?

Carter: No, not much labor support.

Chall: Not much?

[Tape 9, Side B]

Chall: You don't think he had lost, then, significant labor support?

Carter: No. I knew the labor people and they were all for Downey, down in the nitty-gritty. He'd stood by them in too many fights; there's one place he stood hitched--in the tough labor fights. And on the Taft-Hartley, he was superb; he was just a fighting tiger on their side. Oh my goodness, some of the things he did were just Herculean in that area.

He wasn't any small potatoes. Sheridan was a well-informed man in the area of his information, as to both the philosophic background of labor and to its justification. He was a most competent man to argue those positions and he was very articulate. He was a very competent man on the floor, and those men knew it.

The other thing is--speaking of this Downey thing--

Chall: Yes. We might as well just get right into that campaign; I'll go back then and pick up the other

Helen Gahagan Douglas is a Candidate

Carter: Then, after Downey had withdrawn, and I knew I was going to go on the bench but I hadn't gone yet, I was trying to help Helen Douglas then because I knew she was the only candidate. I was going to do the best I could with whatever we had, although I had previously said I didn't think she could win. I'm sorry to say I was right in my first view, because I thought Helen was an excellent legislator and a very, very fine person.

Her word was just absolutely gilt-edged; anything she told you, you could depend on. You get to know these political figures, and sometimes they'll say things--they'll say this or they'll say that and they'll give you words but they don't really mean them. She was not one of those; she was a very, very forthright political figure.

Carter: Having known her over the years--from back in '44 and '46--I was always highly impressed with that quality in her. One of the things I value in a public servant, particularly in a congressional or Senate position, is that sense of integrity. This is perhaps the highest accolade you could give a person. In that sense, Helen was just one of the best.

Downey's word was absolutely good if he gave it to you. He didn't flop around on you and didn't withdraw; he stood his ground. He was very consummate when he did.

Most political figures, once they give their word in crucial situations, stand by their commitments.

Chall: I see. It's getting the word that's hard, is that it?

Carter: Yes. And it's distinguished from the common understanding about how they're wishy-washy and they don't stand their ground, or they go the way the last person talked to them and so on. There are a few of that kind, but that's too highly publicized. The thing that a politician learns is that he has to live by what he says, or he dies.

That's what went on with Jimmy Roosevelt, because he didn't stand by his word in a number of cases. That just was the thing that killed him off, although he had all the tools to be a most effective man. He had the word, the appearance, the name, the voice--the whole bit. But he just didn't stand up in the tight, tough inter-fighting that went on.

Chall: Is that a personality thing with people? Not just with Roosevelt, but if you're unable to stand up--does that mean you really don't have any strong opinions?

Carter: I don't know that it's necessarily personality. It could be, but it essentially is--some people, in the beginning, don't know any better. Sometimes that kind of integrity is an acquired characteristic. The better way to see it is to have it a natural one that gets sharpened. Now that, of course, makes the more reliable person.

I think, however, the acquired characteristic is very acceptable when it's fully understood. Most political figures understand they have to stand hitched to what they say.

I think one of the things that's hurting Nixon right today, for instance, is the words he gives you are then shown to be hollow. This is what Watergate is all about. You can't build those facades and not be unmasked sooner or later. So, without getting into a long moral, philosophical discussion, I'm talking about the reality as we saw it.

- Carter: Here we were talking about real people--both Downey and Helen. Helen didn't like Sheridan, I know that, and Sheridan didn't like Helen.
- Chall: What was their issue, then? Was there any other issue except water and land?
- Carter: Mainly it was the water and land thing. Helen went right down the line; Downey didn't. Downey had a real phobia about thinking there was a bunch of communists in the Bureau of Reclamation.
- Chall: He really thought that? That's not the same as with Crittenden who might have simply used it, but Downey really felt this?
- Carter: Oh, he was just down to earth and he felt that very strongly.
- Chall: He had no basis of proof in any way, did he?
- Carter: I don't know that he did or didn't. He felt he did. He used to really take off at it. I would say, "Sheridan, I don't see it that way, but you have the right to your own view." We'd just leave it that way. [Laughter] I'd have to bounce him off because he persisted.
- Chall: In a sense, then, I guess this is the issue that destroyed him because, if it hadn't been for that, Helen Douglas would not have tried to run against him.
- Carter: Probably not, although already his health condition was showing. Where that develops, there are always people who are ambitious and are attempting to supplant the guy that's there.
- Chall: Do you feel that that was the issue on which he fell?
- Carter: That was the main issue, absolutely.
- Chall: It's the one that pushed him out?
- Carter: I don't think that they were personally extremely friendly; Sheridan just didn't have a lot of personal friends. A Southern senator said to me, "He's a most able debater, and he has a fine command of the language, and he's a brilliant man; but, sir, he doesn't belong." [tells story using Southern accent]
- Chall: He doesn't belong to the club, eh?
- Carter: Yes. He doesn't belong. He was a loner. He was a loner but he was a very fine one, though. He was as honest as the day is long.

Carter: He had a fabulous office operation--very good; they just performed beautifully. When Hiram Johnson was sick, Downey was the only senator that did anything for California, and he did it. He was magnificent. I mean what I say. I know. I was there and I saw it in operation.

Madeline Smyth, who is now Madeline-- He used to be a waterfront commissioner here, port commissioner--and she remarried after her husband died, but was his secretary before she married Jim Smyth; Jim married her out of his office. She just was a very bright girl and she ran that office; she was very good in that office.

Chall: So that really Senator Downey, you think, was performing properly as a Democratic party leader?

Carter: Oh, he was a very competent senator, and you could go round and sell him politically--he was the most salable merchandise we had. I mean this. I could take you out and I could talk to farmer after farmer--little farmers, not big ones. He's the one man they could write to and he would do something about it, in the state of California. That bore fruit.

And that's whether they were Republicans or Democrats; it didn't make any difference. He was salable.

Chall: But he did feel that Helen Douglas could give him a sharp, hard campaign on that issue?

Carter: For the Democratic nomination.

Chall: Primarily, then, it would be on the water issue?

Carter: Yes, essentially.

Chall: That would be where--in the Valley primarily?

Carter: Primarily in Los Angeles, where she's known. He'd have to go down there. He said, "This is a great dynamic issue and it's all split up." He said, "I could get into that fight, but it takes a lot of stamina. With my physical condition and with my stomach reacting the way it is, I don't think I can do it."

Chall: I had read someplace that about 1948, when he was so active against Boke and Straus and was trying to retain the rider to the 1949 Department of Interior appropriation bill which would have removed them from office that Democratic leaders, including Truman, spoke to him rather strongly about calming down and behaving like a Democrat. Were you among these leaders who were trying to keep him in line?

Carter: I don't know that I tried to. I went over and talked to him, not to try to calm him down but just to try to find out what his real problem was. I found out darned quick. So I said, "Well, no use monkeying with that; he believes it."

Chall: I see. Can you tell me who Bill Malone was at that time? Was he an executive of the Democratic party?

Carter: Yes, yes he was, in some ways. When I say in some ways, I mean this: he was the chairman of the San Francisco County delegation part of the time--the County Central Committee part of the time--and he was on the State Central Committee as a... each congressional district had an executive committee, and he was on the executive committee of that State Central Committee.

He was very active in that. Bill had a background of political leadership. He had come out of the old Sheriff Finn organization here. Finn was a Republican, but Bill had had that background as a young man. He was an attorney, Bill himself, and he's not involved in that kind of politics anymore. He learned his p's and q's about local politics through that.

He's a very forthright guy. He's relatively conservative but he would go along with the liberal ideas; he was not a negative person on these things. While Bill wouldn't be out making speeches and doing all those things, he was an excellent organizer. He dealt with people on a me-to-you basis.

My own impression of Malone is that he has considerable talent. His word is very good and he's a person in whom you can reside confidence, by giving him information and he'll keep it. If you tell him to deliver a message, he'll deliver it and that's that; he won't then go babbling all over the countryside about it. He's a very thoughtful guy.

Chall: When people speak of the Democratic party in those days, they say Bill Malone and Oliver Carter. I knew who you were but I never did know what his position was in the state politics.

Carter: I worked very closely with Bill and I always found him to be very steady, forthright and right on the ball--never any deviations, no phony stuff.

Chall: Was he an important northern California leader of the Democratic party regardless of who happened to be chairman at any one time?

Carter: Most always.

Chall: He was the one person that was always here.

Carter: As far as I can remember, from 1940 on, and I know he was before that but I wasn't active. But from the year 1940 on, he was always active in it, even up until the time he really retired, which was in the sixties, I believe, sometime.

Manchester Boddy is a Candidate

Chall: How did it happen that you brought in Manchester Boddy? Was there a feeling that Helen Douglas couldn't win, or that even if she did, she'd be too independent about granting favors of patronage or anything of this sort? What was the feeling against Helen Douglas--that she would be too independent?

Carter: There were some concerns here. Bill Malone was very fond of Helen Douglas as a person. That is, he had high regard for her integrity, that's number one, as counter-distinguished from Roosevelt and some other people.

Chall: He [James Roosevelt] was running for governor then?

Carter: Yes, he was. He [Malone] had an extremely high personal regard for her; he thought she was a very superior person and he respected her and respected her work. I think she was too liberal for him on her philosophic approach, but Bill could live with that.

Chall: If he had a winner.

Carter: Yes. He didn't quarrel with that much, except his personal philosophy was perhaps far to the right of that. I never did know really what his personal philosophy was because he just tried to advise you of what was the appropriate thing to do under particular circumstances and never did discuss philosophy. He was absolutely honest about it; he never talked about the long-range philosophies and so on.

He bought Harry Truman and he bought Franklin Roosevelt; he went right along with that. He accepted the New Deal as an approach. He wasn't negative in many ways.

In the early days in Democratic politics, I understand he was dealing more in political patronage.

Chall: I wondered if that might have had anything to do with his final lack of assistance to Helen Douglas, whether perhaps she wasn't willing to grant patronage to him if she, or whoever else was along there with him, in case she should win. Was that a factor?

Carter: I don't know that that is a fact and I don't know that it isn't; I just don't know it that well. I think that Bill is just simply a little more conservative-striped, that's all.

Chall: Basically, then, you think that perhaps she wasn't considered a winner--she wouldn't win?

Carter: That was part of it. They didn't want Nixon; they were very much afraid of Nixon. They knew Nixon and they didn't trust him.

Chall: How do you think, then, that Manchester Boddy got into this?

Carter: Well, he was put into it by somebody down South to start; that's my memory.

Chall: The two of you, then, in northern California would have been willing to accept her and back her?

Carter: At least I would have, and I did.

Chall: In the primary?

Carter: Yes, in the primary. My sister led her campaign up in my hometown.

Oh, yes. You bet. I always was very high on Helen. I was not on the bench at the time of the primary; at the primary I was active. Of course, I had to stay out of the primary as state chairman, because I was the state chairman and I couldn't come out for any particular candidate; I couldn't name anyone.

As I say, my own sister supported Helen Douglas; she wouldn't have done it if I'd told her not to. My mother was on her campaign committee. We were very strong for Helen Douglas. And my brother-in-law, who is a Democrat but not a very strong one in many ways--Helen Douglas was all right with him too; he went right down the line with her. He was an Italian boy, and he helped a lot.

So, you know, that helped her a great deal up in that country. Then, down here, I tried to get in touch with different people, but you can only do so much. I felt my wings were kind of clipped by the position I was in.

I went out of office in August--that's state office--and then between August and October I had no official position. I was free to do what I wanted. But then I went on the bench, and that closed me out.

Chall: I wasn't sure when I read your interview with Mrs. Fry whether you had chosen not to run again, regardless of whether you were going to be appointed to the bench.

Carter: I was not going to run. I just wasn't going to run again. As a matter of fact, I had promised my wife I was going to go back to the practice of the law in Redding and get on and work at it full-time, and quit this business of devoting all my time in public service that didn't bring any returns to the family.

Chall: I see. This had nothing to do with the fact that you might be going on the bench?

Carter: No, I didn't know at that time.

Chall: You have to make up your mind fairly early about running again. You really think that somebody in southern California... Do you think that Mr. Malone had anything to do with this choice of Boddy?

Carter: I don't think he did. Bill's around. He's got his mind; he's got a good head. I don't think Bill had anything to do with picking Boddy. My memory is that it was--I'm trying to think; there is a story there, but it's slipped my mind. I did know at one time.

Another person who might remember would be Ellie Heller, who is still around and very active, although she's no kid anymore. She's a fine person. She's great.

Chall: That means that you have no information to give me on that.

Carter: I don't on how Boddy got in there. At least, my memory is blank right now. If I think about it, I'll tell you.

Chall: You can write it in when you edit this transcript.

Carter: Yes.

Chall: Do you recall the campaign, then? You stayed out of the primary campaign and of course you stayed out of the general campaign, but do you recall Boddy as a candidate? Was he an embarrassment, or was he a good candidate, or what kind of candidate was he? How come he could lose to Helen Gahagan Douglas when another Democrat thought he could beat her?

Carter: Like the fellow who ran for Congress who lived in my district one time, a fellow by the name of Benton C. Fremont, who was a descendant of old John C. Fremont--the political leader up in my country described him as being a lion tamer. [Laughter] He looked like a lion tamer out of a circus.

Boddy was my notion of a lion tamer [laughter]; he was no more a politician than you could shake a stick at. He was in the wrong place. He was a fine man personally; he had many fine attributes. He was not a political personality. He had no... He just didn't have it.

Chall: And at that point, you couldn't make him one either.

Carter: No, no, no. We couldn't merchandise him. I don't think we tried; I didn't try. That was his job. [Laughter] I meant it when I said we stayed out of that race. Now, as I say, I was really for Helen Douglas in any event, but I didn't... I just said I was first for Downey, because I had known Downey since I'd been a schoolboy, and I knew his ability and therefore just couldn't bypass that quality.

Chall: You weren't able to persuade Helen Douglas not to run? Did you try?

Carter: I didn't get around to talk to her, or even try. It was too sticky a thing. I just listened to her and said, "Helen, if you've got your mind made up, then you have to do what you have to do." I didn't try to influence her one way or the other.

Richard Nixon is a Candidate

Chall: There was an interview with Richard Nixon in 1968. It was in the Sunday Examiner-Chronicle. Nixon was telling Kenneth Harris of the London Observer something about that campaign. I'd like to ask you if you can remember about this. He said that it was Manchester Boddy who began to wage a campaign against Mrs. Douglas in which his supporters "accused her of every red affiliation short of being a Communist." The Democrats, according to Nixon, started this kind of campaign, and Nixon says that he simply used what record the Democrats had provided plus her voting record. Do you recall that that's the way that campaign started?

Carter: My memory of that campaign, however, is that that isn't the way it went. I always thought that Nixon added some things. I know that there was this group in Los Angeles, or in southern California; we had nothing to do with that. I know that that's one thing Malone would have no part of, is personally assassinating Mrs. Douglas. He thought too much of her as a person, and I've heard him say so not only publicly but privately. Every time I've ever talked about her to him, while he may not have always agreed with her political views, he always had a high regard for her great integrity, and he never hesitated to say that.

He said, "One thing you can do is depend on Helen Douglas; that's one thing you can do." He was that kind of a man. He never forgot the incident that occurred--and I was there when it occurred--out of which he developed that view in part. She showed her stamina; she was very good at that.

Carter: I never had any questions about her loyalty either, because I always felt that she was an absolutely loyal person. I'd had too much of this red-baiting in the legislature; I'd been red-baited myself. This was not a thing which was frightening to me in any sense. I always had too much personal respect for her as an individual.

I know she just had no part of that communistic business because I knew some of the Communists and they didn't have anything to do with her. I knew her people; they were decent people. So, having said that, that's about all I can say.

Chall: I just wanted to be sure that since you were there at the time and in a rather sensitive position...

Carter: Yes. My memory is that Nixon did some private covering of his own. That Hesselberg speech always sets me on edge.

Chall: Hesselberg?

Carter: Yes. The radio. I just used to sit on that and put my teeth on edge. You know, that's Melvyn's name.

Chall: Melvyn Douglas's true name?

Carter: Yes. Hesselberg. Then they start in with that kind of a premise and go from there. Oh, it was the most race-baiting thing I believe I've ever heard. Just made me sick at my stomach.

XXI THE 1947 LEGISLATIVE SESSION

Chall: I want now to talk about the 1947 legislature and the legislative debates on--there were several Crittenden bills; I think those are the ones that I know best and you may know some others. They had to do with the removal of the 160-acre limitation. Then there was another important bill which, I guess, bears his name where the duties and the powers of the State Water Resources Board were increased and money given to them.

Then you told me that you'd been very busy during that session; so we'll go into that.

The Irrigation District Association Amends a Carter Bill

Carter: And I had one incident in the water field where my name was attached to a bill that I loaned to Crittenden people--the Irrigation District Association people, really, which they amended. They came to me--Senator Rich of Marysville came to me and said, "You have this bill; are you going to use it?" It had something to do with irrigation districts.

I said, "No." He said, "Well, do you object if the irrigation districts use it?" I said, "No. I'm not going to use it. I may be opposed to it when it comes out with whatever they do. I want the right to get up and say that I'm opposed to it."

[Tape 10, Side A]

Carter: So I loaned this bill to Senator Rich to allow the Irrigation District Association to introduce some legislation on the subject matter.

Chall: Then you were the author of the bill?

Carter: I was the author of the bill, and as I say, I had the embarrassing problem of having to explain to the committee before which the bill was heard that I was opposed to my own bill and that I didn't want the author's opposition to kill the bill but that I did want them to consider my arguments on the merits; if they felt that I was correct on the merits, they should then vote against the bill.

After I got that cleared up and the matter was presented, the committee passed the bill out over my opposition; it came down on the floor, and it went through the same process, and it was passed on the floor. Fortunately, the assembly did not pass the bill. To that extent, I was relieved of my embarrassment.

Coming back now to the Crittenden bills on preventing irrigation districts from contracting with the United States.

Carter Suggests Governor Warren Act to Defeat Crittenden Bills

Chall: Yes. Any delivery contracts which contained the so-called 160-acre limitation provision. Governor Warren, as I understand it, told Crittenden that he would veto that bill. [SB 330]

Carter: He told me that too. When the bill went through the senate over my opposition--there was a substantial opposition in the senate--and it was going over to the assembly, I went down and talked to Governor Warren. I talked to him about the legislation. It's the only time I ever talked to him about specific legislation personally.

I went in and I said to him, "Governor, I want to bring to your attention this legislation which has just passed the senate, and has passed the senate with the support of many of the people who support you; therefore, I'm concerned that your office might not be aware of the significance of the bill." I called his attention to the details of the bill.

I said, "I feel that this is very unwise policy for the state of California to take this position in its legislation. I would hope that you could do something."

He said, "Well, I agree with you that it would be very unwise policy to have any legislation that would prevent the appropriate agencies of the state to contract with the United States. I will tell you that if the bill comes to me as it is now written, I will veto the bill. Maybe it won't come; I don't know."

Fortunately, again, the bill was defeated in the assembly. I do not know how close the vote was over there.

Chall: I have a clipping from the Sacramento Bee that it was defeated 26 to 48. A pretty good defeat then.

Carter: Yes. So obviously his people in the assembly were voting against the bill. I've always felt that he foresaw the problem and didn't get into the position of having to veto anything.

Chall: Yes. That's my understanding too, that he let them know in time. I guess he wouldn't have been able to do it if you hadn't gone to see him.

Carter: I don't know that that's necessarily so because he had a pretty good legislative staff. But I thought it was wise to talk to him. And I was concerned about that legislation.

I said, "It's so nonsensical that I just can't understand it. When I talk to the men who are for the bill, they've just got some nebulous idea that they're against something and they don't want something to happen; therefore they're doing this." I said, "It seems to me like closing the barn door after the horse has long since disappeared and unnecessarily chopping the head off your best chicken."

Chall: Yes. I don't have the quotes with me, but I think Governor Warren made some strong statements opposing this legislation, such as it's like starting war with the United States government--very strong.

Carter: Yes. That's almost precisely what he did say to me; he probably said it again, if I remember it right. But I know he was very emphatic when I talked to him.

Chall: Assemblyman Lloyd Lowrey of Yolo County, in debating this bill, said, "The proponents are hiding behind a smokescreen; the real issue underlying this whole thing is the distribution of Central Valley Project power. If we could ever settle the power question, we could get our water conservation and flood control."

Chall: Do you have a feeling that that might also have been behind it as well as the land or water limitation?

Carter: It could be, but I think it was more the water thing in the senate; I think it was principally irrigation people involved in this one. Although, Lloyd was from Central Valley and he has irrigated property himself and he knows what the problem is; he wasn't uninformed.

I knew Lloyd quite well. We were of similar minds; he was making an argument which, in the context of where he was, was probably a very appropriate argument. I don't think it correctly assessed the feeling in the senate, which was strictly an idea of governmental policy and that they represented rural areas. This purely was the economic farmer speaking.

Chall: And large farmer.

Carter: Yes, by and large.

Chall: Were you and Senator Breed [Arthur H.] from Piedmont the only senators taking this stand against this bill?

Carter: We sat side by side. I don't know whether I influenced him to that extent, but I know he did oppose some of those things. He was a Republican and generally quite conservative, and he was close to the Farm Bureau; but he voted against that bill--you're right.

But no--I'm sure Senator Jespersen voted against it, and I'm sure that a number of other senators voted against it.

Chall: Senator Jespersen, you said, was the chairman of the senate Water Resources Committee.

Carter: In the early time. I don't know whether he continued to be at that time.

Chall: I see. Was he a supporter of acreage limitation measures?

Carter: Oh yes.

Chall: So he and Mr. Crittenden would have had some differences of opinion?

Carter: Oh yes. Jespersen was a San Luis Obispo County Republican, a farmer himself. Oh yes. He used to be a strong pro-Grange man. He's a Danish man--you know, down around Solvang there.

Chall: That must have been quite a debate. I noticed from some other material that the Grange people were sending petitions opposing the limit repeal at the rate of about a thousand signatures a day. Do you recall that activity?

Carter: I know there was a lot of mail, but none of them were from my county. [Laughter]

Chall: They didn't care?

Carter: Oh, they were a little too far off the beaten path.

Chall: There were two bills: SB 330 and SB 336. Both of them were defeated and I think both of them would have removed the 160-acre limitations from the Central Valley Project--they were, I think, identical.

Carter: I know; I opposed both of them.

Strengthening the Water Resources Board

Chall: Now then, there was another bill that came up in that session that also bears the name Crittenden--that's SB 715, which Earl Warren did sign. That increased the powers and duties of State Water Resources Board and permitted the board to make investigations on its own initiative. Formerly, I guess, the board could only do it if it were requested; it was quite weak.

Carter: Yes, that's right.

Chall: And then the legislature voted \$500,000 to be used by the State Water Resources Board for special investigations. Now this apparently is the next step in giving some authority.

Carter: I think I supported that.

Chall: Yes. I was wondering whether, in addition to having supported it, whether you might have been behind it.

Carter: I may have been on the bill; Crittenden may have said, "This is one you can be with me on." Then I may have signed it. But I don't now remember whether I was or wasn't, but I know I would have supported it.

Chall: I think it's considered to have been an important step.

Carter: You see, you had several authors. Crittenden would have been the lead author and then there would have been a number of other senators going with him. Now, had it been of that subject matter, I could well have been one of them, although I may not have.

Chall: Do you recall, in that last session, your activities with respect to water--what were you interested in primarily then?

Carter: In the last session?

Chall: Yes. That would have been 1947--the last that you were involved in.

Carter: Mainly, it was fighting those battles; those were the biggest ones. We didn't have a lot of water legislation. The main thing we had was a highway bill, and I've already discussed that. The other thing we had was a bunch of anti-labor bills; I was presenting the opposition to them. There were some seventeen of them, all the way from minor things to hot cargo and secondary boycott.

Then there were a number of other bits of legislation.

Carter: The water aspect of it was not as great in the '47 session; it was big in the '45 session. We pretty much put our big water problems behind us in the '45 session. There were continuing areas, and this is what I would call continuing type of legislation.

There was always this undercurrent. The evidence of the undercurrent were these anti-160-acre limitation bills and a number of other bills that have to do with the ability with which irrigation districts or water districts or other public districts could deal with various agencies of the government.

I suppose they rose to a crescendo there in 1947 as to that latter group.

Electric Power

Chall: They certainly did, of course, in the congress--that's where it was terribly hot at that time because of Senator Downey's activity.

With respect to power in 1947, and the opportunity for districts to work with the federal government, I have a notice that the Sacramento Municipal Utility District finally was allowed to purchase power from the Central Valley Authority to distribute, and the rate was lower than asked by PG&E. Many people opposed this because they wanted California to purchase the Central Valley Project and to do away with the 160-acre limit. If the rate was low, then the Central Valley Authority Project couldn't earn enough to pay for itself.

Carter: Well, that was the argument that was made. That was a part of it. There were a number of them. The senator from Sacramento was then Earl Desmond; Earl went along with that, although the earlier senator who had retired from the senate at the end of the 1944 year--the beginning of '45 would have been a new term--was Senator John Harold Swan who was a very strong Democrat. Desmond was a middle-of-the-road Democrat; Swan was a very liberal Democrat.

Swan was a junior college professor and a very bright man and a very fine person. He wasn't very experienced as a legislator. Desmond had been an experienced assemblyman before he came to the senate; he had some legislative know-how. He knew his way around.

However, he was one who had a communist problem in his own way; he used to see Communists under the bed. He was connected with the Tenney Committee.

Carter: We did have some backlash of old Tenney Committee stuff too. This had to do with personal liberties mostly. Of course, I think we were, by then, past the Japanese--yes, that was all done by 1945, '43 and '45. That was an awful thing.

XXII OLIVER CARTER FIGHTS RESTRICTIONS AGAINST CIVIL RIGHTS

Chall: The exclusion of the Japanese?

Carter: Well, it was simply restrictive legislation against the Japanese at various levels. I know it upset me terribly and was very contrary to my notions of how a free government should operate. After the war with Japan, they were very hostile--the senators. And the average California citizen was.

Chall: Hostile to the Japanese at the end of the war?

Carter: Yes. Only a few of the people really--and it wasn't really enough to be significant--were willing to try to be fair to the Japanese minority. This was a hard thing for me to see and understand. I used to just get almost livid, and it was not really good for me to attempt to approach things with that intensity; I should have been more relaxed but just as determined. Whether that can be done, I don't know. Something you feel about strongly is rather hard to be relaxed about.

Chall: Well, there was a Committee on Fair Play that was active at the time the Japanese were being brought back, particularly. Were you involved in that in anyway?

Carter: I didn't participate in any of those public organizations, but I was active on the floor of the senate, trying to do my job where I was. I just consistently opposed all of those, even though I was told I was committing political suicide.

Chall: Bills that would have made it difficult for them to return? You were in the senate at the time they were being--the legislation to--

Carter: The land laws, the fishing laws--oh, the whole bit.

Chall: You opposed any restrictions.

Carter: I opposed them all. I just said most all of them were clearly unconstitutional, and they were. Oh, that was a terrible period of our history.

Chall: Yes. Were you a minority--a strong minority--of just a few most of the time?

Carter: [Laughter] At times it was down to one--a minority of me. Other times, I had three or four people, or five--up to six or seven at the most. You know, it varies from different pieces of legislation to different pieces of legislation. They're willing to listen more carefully to some things than to others; I don't know what it is. I thought the same evil purpose ran through the whole structure.

Chall: I suppose you took a position years ago that you would take a stand on principles if you felt strongly about something, or what? What made you do it?

Carter: I was kind of pragmatic about things--

Chall: That wasn't pragmatic.

Carter: I just felt the way I felt about things and did what I had to do. I knew I had to try to be honest with myself. Then, if I could be honest with myself, I could be honest with other people. That's about all you can do. I know I had a lot of margin of error there because you make mistakes, and human judgment is fallible; you have to live with that.

Chall: But even though, in these cases when you were told that you were committing political suicide, you were willing to do it?

Carter: Well, I just took the position that if that's what it means, why then, goodbye. I said that I just don't see it as being that much of a thing, and it didn't make any difference in my reelection, fortunately; it was never an issue. I don't have a Japanese voter in my district.

Chall: And didn't then?

Carter: And didn't then. Had some Chinese but no Japanese.

Chall: Were you involved in voting against Tenney Committee proposals at that time too?

Carter: Oh yes, oh yes. Jack and I used to have some...I finally found that he really meant what he was saying. I thought at first he was a charlatan; I found out that he honestly believed in what he was doing. Then I said, "That makes it almost worse." But I had to then treat him as a different kind of personality because, when you're dealing with a man who believes what he's doing, then you've got a more difficult problem on your hands.

Carter: He had an intensity about him, and he had no sense of restriction or counterbalance in anything that he did when he was fighting Communists. In other words, "They're dirty and therefore I have to be dirty; I'll be just as dirty as I have to be to overcome them."

Chall: So all constitutional principles--

Carter: Just went out the window.

Chall: That makes it very difficult.

Carter: Yes. When he was in on the Japanese thing, I said to him, "Jack," I said--it was one of these bills; I think it was the fish license bill--and I said, "Jack, that's patently unconstitutional when you make Japanese a class. If you'll read such and such a case [I forget what it was], this declares that kind of classification as unconstitutional per se, by racial classification."

He came back to me a day or two later and he said, "You know, you were right. I'm going to change it to make it 'all persons of Oriental ancestry.'" Then I said, "Jack, that's worse. You know what you're doing? You're not only kicking our enemies in the teeth but you're kicking our friends in the teeth. All these Chinese people that are on our side, all these East Indian lascars, all these Filipinos, and so on--they're all Orientals! Now, what are you talking about?" "Well, that's the way it's gotta be."

I argued that way. I convinced a few but not too many.

Chall: I see. In the senate?

Carter: Yes. That bill was eventually declared unconstitutional by the Supreme Court of the United States. That's where I got accused of having a vote on the Supreme Court of California.

Chall: How was that?

Carter: Well, my father was on the Supreme Court of California and he wrote the dissenting opinion--it was a four to three decision on the Supreme Court of California as to the constitutionality. I think that's the Takahashi case.

Then it went to the Supreme Court of the United States, and I think by a vote of five to four the Supreme Court held that it was unconstitutional. So I was accused by one of the members of the assembly--"You've got a vote on the Supreme Court of California." [Laughter]

I said, "Oh no; you don't know us very well." [Laughter]

Chall: Tenney started out as a very liberal person, had he not? Did you know him when he was a liberal?

Carter: Yes. That's why I thought he was a charlatan on this issue, and had his tongue in cheek, and was making fun--that he was playing games, you know, for political reasons and trying to make a big name by being a "Red hunter" and so on.

But then I found out that somewhere along the line, it was for real; he meant it.

Chall: You don't know what occurred to have made this change in him?

Carter: Well, you know, he came out of the musicians' union; he has a strong union background. On labor matters, he was quite liberal on most issues. When it came to the personal liberty side and what it meant when you were trying to restrict what he thought was communism, the heck with personal liberties--he didn't care, at least he didn't think he cared. He rationalized everything; the evil was so bad that anything you had to do was necessary to accomplish it.

XXIII ELECTION OF EDMUND BROWN AS ATTORNEY GENERAL

Chall: I have one final question, I think; I'll probably go home and then find I have a lot more. This deals with the election of Pat Brown to the position of attorney general. My main interest in this has to do with water.

When Frederick Howser was the attorney general--

Carter: Fred Napoleon Howser.

Chall: Yes. He's always called Frederick Napoleon Howser. When he was attorney general, he took a position in the case of Ivanhoe vs. McCracken I think it's called, that basically he was going to support the irrigation people who objected to signing contracts with the Bureau of Reclamation.

When Brown came in [in 1950] he immediately announced that he was going to take a stand in the opposite direction, and did so. Now did anybody know when Brown was running for attorney general that he would reverse Howser's position?

Carter: Oh, I talked to him a number of times.

Chall: Were you aware that this was something he was thinking of doing? It was such an important step.

Carter: Not in terms of the Ivanhoe case, but I knew about his philosophy; I knew how he felt on the Central Valley issue and so on.

He's a lawyer and was trained here in San Francisco. He was raised up at his mother's in Colusa County. He knew something about the farm background and he was a strong proponent of the family-size farm and was from the beginning.

Pat always was a very voracious reader; he read many, many things. I know; I used to talk to him when we were working in that Truman campaign. He was an idea-a-minute guy and he used to be coming down

Carter: with these new ideas. Some of them would work and some of them wouldn't. He always had these ideas and then he would try them out. He was a trial and error fellow.

But he was very sound once he got down to the basics, in that he discarded the unworkable thing and went for the thing that worked. In that respect, he had marvelous recovery if the original thing he started with had some weaknesses in it.

Pat has a real strong sense of personal integrity. He showed it in many places. He had courage; when the going was tough, he stood his ground. As we say, he's not a panty-waist; he wasn't pushed around.

I was always highly impressed with his motives and his intentions and his purposes. I used to be a little critical of his expression; that is, he talked too damn much for me, in my book. He was always mouthing off before he thought it out too carefully. He had to learn to tie a little bit of something on his tongue just until he got some thinking apparatus working.

But we all have our means by which we express ourselves; this was just Pat's means of expressing himself. If you accepted everything he said out on the periphery, you'd get lost. You had to wait till he got himself down to the fundamentals; then he was just as sound as could be.

He was a very, very forthright man; his integrity is superb. Pat also had a desire to be liked by everyone; I guess we all do. Maybe he overreaches there, in attempting to satisfy that. On the other hand, he's a true man. When you get down into the hard goings, he's always fair and decent.

I was very impressed with Pat. I wasn't surprised at all, but I had never heard him discuss Ivanhoe one way or another before he became attorney general, although I'd talked to him before he became attorney general a number of times.

I knew he'd been district attorney here in San Francisco. He had good basic ideas about law enforcement and was a well-grounded man.

[Tape 10, Side B]

Carter: I did toy with the idea of running for attorney general--that is, during the spring and the fall of '48. I forget when we had a meeting here in San Francisco with Pat in attendance; I was there and a number of other people were there involving Democratic party policy.

Pat indicated his interest, and he had the background. I said to Pat, "You're better equipped to do this than am I. You appear to have the financial support and the ability to go ahead. I'm not in any shape to do that. As far as I'm concerned, I will not run and as far as I'm concerned, if you do run, I'll support you."

Chall: I see. The attorney general could do what Pat Brown did in the matter of water. When you were thinking of running for attorney general, was that a part of your thinking?

Carter: It was, but it was not a specific part. I think there was more to it than that.

I, like Pat and like many others, was shocked by the quality of performance that Fred Napoleon Howser gave us. He was not a very competent attorney general.

Chall: He had some other problems with the governor too, I think, that dealt with some rather scandalous--

Carter: He had a number of problems. In any event, I knew he was so close to Samish. To have our chief law enforcement officer, our chief who advises in many of the business operations of the state--to have him that close to a man like Samish was frightening to me.

Chall: I see. So it was essential on the part of many people that they change the occupant of that office, and better a Democrat than anybody else that they could have.

Carter: Yes. If not a Democrat, then another Republican.

Chall: I don't remember who ran against Pat Brown. Was it Howser? Did he try for a second term?

Carter: I don't think Fred Howser ran. Let's see--who did run? [Pause] I think Howser got beat out in the primary, if my memory serves me right. Who? My mind must be slipping.

Chall: That was such a long time ago.*

Carter: I used to know that stuff right off. Well you see, we had had men like Earl Warren and Bob Kenny in there before, and their performance was way above anything we had had from this fellow.

Chall: Yes, that's right. And Kenny left to run for governor, didn't he?

Carter: By the way, this Howser's name is spelled H-O-W-S-E-R.

*Edward Shattuck won the Republican party primary; Pat Brown won the post in the general election.

Chall: Yes. H-O-U-S-E-R was the lieutenant governor for a time, wasn't he?

Carter: Yes, and before that both of them were members of the assembly. H-O-U-S-E-R, the lieutenant governor, is the son of the former Justice of the California Supreme Court, Frederick Houser.

Chall: It's important to keep them separate.

Carter: That family--that Houser family--was a very, very literate and well-educated family. These were fine men. Fred Houser, the lieutenant governor, was a very learned man. He later became a superior judge; he was a very bright fellow.

But he was a very conservative man, so conservative that I used to just say, "Fred." [Laughter] But he was very forthright and a very, very straight out-and-out guy--no hanky-panky around him.

I knew him quite well because my father and his father were on the Supreme Court together and that gave us one entree. Besides that, he was lieutenant governor when I was in the senate; I used to sit up and chat with him, talk to him. And I knew him when he was an assemblyman; I knew him when he was a young assemblyman, before he came over to be lieutenant governor. He's a very bright guy. He was Phi Beta Kappa and had a good background.

Whereas, the other Howser, the attorney general--he was from Long Beach. That didn't make him good or bad, but he did not have the quality; he just didn't have the quality.

Chall: Were people at that time aware of this and ready to put somebody else into office?

Carter: I think so. There was a tremendous reaction in the professional staff in the attorney general's office and among the profession in the state.

Chall: I see--the legal profession.

Carter: Critical of him.

Chall: Well, I guess that takes care of the attorney general at this time.

Carter: Sure. But Pat would naturally have done what he did in that case. In one of these big criminal cases here in San Francisco, while a case was out to the jury, he discovered that one of the witnesses for the prosecution had committed perjury against the accused, who was a gangster. He went in to the superior judge and he said, "Your Honor, I have just discovered that this witness has committed perjury; therefore, I have to recommend that the charge against the defendant be dismissed."

Carter: Well, the jury was debating his guilt or innocence, and the judge granted the motion and dismissed the case. Now that takes some courage in my opinion, and that's the kind of guy he is.

Chall: It's good to have that on the record.

Carter: Yes. He's shown that capacity, that kind of integrity. Earl Warren was a man of great integrity. Bob Kenny was a man of great integrity; he was a jovial man but he was a man of great integrity. Warren and Kenny were just as opposite as night and day in personality, but they were absolutely forthright and absolutely independently honest. Nobody was telling them what to do.

You wouldn't even talk about them in the same breath, however, in terms of personality.

Chall: Oh really? I've met Governor Warren; I don't know Mr. Kenny at all.

Carter: Kenny was one of the brightest men I ever knew in my life. He had more intellectual capacity, I believe, than almost any man I've ever known. He was kind of like a left-hander on a dark day--he was a little wild. [Laughter] At times he had a little trouble keeping control of all of this tremendous capacity he had. Oh, it was magnificent.

But when it came down to the hard going, he was an able man. He could read! That man!

You know, he was ahead in this method of sight-reading. He had developed sight-reading long before it ever became the mode. He used to read legislation by just turning the pages, and he'd just tell you what was in it. I'd just sit there in amazement. "How can you do that?" A photographic eye.

Chall: He was then attorney general?

Carter: No, no. He was a state senator from Los Angeles then. Then he became attorney general. He was just superb with that capacity to read and understand. Oh, how fascinating it was to be around him and see him do that!

Chall: Was he able to gather his forces together? Was he a leader in the legislature?

Carter: He had good leadership potential. He happened to be a little temperamental at times, and Bob liked to drink quite a bit, but those were what I would call minor failings as such. We all drank too much for our own good. But, either you learned to live with it or you died. You had to learn how to get along and not allow your excesses to destroy you, because that is an insidious way of life.

Chall: Being a legislator?

Carter: Yes, at any level; I don't care whether it's in the United States Congress, or the state legislature of California, or the state legislature of Alabama, or the state legislature of Massachusetts, or New York, or where it is. It takes a tremendous physical constitution to be able to withstand it.

Chall: [Laughter] Maybe more than mental?

Carter: Both. It takes both.

XXIV ANALYZING THE ROLE OF THE LEGISLATOR AND THE LEGISLATIVE PROCESS

Chall: Did you miss it? Of course, you came on the bench, and that's challenging and exciting, but would you have missed it?

Carter: Oh yes. You miss the contact with all walks of life. At the legislative level, the problem you have is you become a jack-of-all-trades and master of none. In the judicial field, you have to become master of the particular trade that you're in and stay with it and concentrate. I left the legislative field because I felt that I'd had enough of the so-called "shotgun" approach. You get a tremendous amount of education, but after you've gone through it a while, the educational process is only so much; then you're covering the same ground over again. It just repeats and repeats and repeats. In some ways, it could even get boring, if you stayed around for twenty years, in my opinion. You might see a lot of new faces or you might see new techniques develop, and perhaps some new style of legislation, although actually speaking, I don't think legislation has changed that much over the years.

I think it's still, fundamentally, when you get down to its basics, pretty much the same and has been for over a hundred years. All we're doing is putting it back through the mill again.

Chall: And the routine is getting your votes.

Carter: Yes, and you've got to get educated on each one of the subject matters, and they're pretty big subject matters. The most difficult task is to keep current with the changes in the technological developments in the various fields, as well as the educational developments. But it is a marvelous educational process to be into for a while.

Chall: You wouldn't have missed it.

Carter: No. I enjoyed it. And I worked hard at it too. I developed a lot of ideas; I don't know where they came from. I don't think I was that kind of a thinker that I'd sit down and think all these things out. I'd

Carter: start on, and build onto something else that somebody had started, and then I'd try to make a better mousetrap. I suppose that's the technique that I used, because I don't think there are too many new ideas in government.

Chall: I guess some of the problems were new at that time, certainly with what you faced in the war and those developments.

Carter: Oh, well, we'd had World War I and we went through World War II and then we got the Korean conflict; we had the Korean conflict and now we've got the Vietnam thing. They're all a little different; each one has its own nuances and changes, but fundamentally it's the same mechanics, when you get down to the forces that are at play and so on.

The forces may come from different places but they're the same forces. If you ever identify them, and get down to that level of analysis, you then develop an understanding of what goes on.

I used to try to analyze legislative material on that basis. What moved men? Why did they do it? This seemed to me to be an important way, then, to be able to discuss it with them. If they had an opinion formulated so strongly that it was not going to be of any use to talk to them, then that's not very profitable to take that time. If you're speaking mechanically and you're going to accomplish an objective, you should analyze who are the more likely votes that you will be able to get, and then you start with them--confer and discuss and see where the issues are or what it's about.

Chall: And that's where compromise would take place?

Carter: In part. Some compromise. You have to find out what causes these people to take their action.

I became acquainted with a number of elderly men who were very fine men; many of them were old enough to be my grandfather. They were very honest, very forthright, and they had thought processes already developed and they knew what they wanted to do with respect to most issues. They simply went down the line. When you try to change that kind of behavior, it's like shaking the Rock of Gibraltar.

Chall: I see. So, as you say, you were not going to waste any time on that.

Carter: No. The other thing I found is that you got along a lot better if you didn't approach it in a sense of hostility but you did it in a sense of goodwill--just simply saying, "You're entitled to your view and I'm entitled to mine;" then you got along personally.

They were always willing to accept that. There is an esprit de corps in a legislative body such as the senate or assembly or House or Senate. What that old Southern senator said about Downey not

Carter: belonging meant something; I understood what he meant. It's not a formal club or anything like that, but there is that camaraderie among the men who work together which some have and some don't. And they know their mavericks right away.

Chall: And it's hard for the mavericks to get along?

Carter: Well, no. The mavericks are allowed to get along, but they're always viewed with caution. Whenever they take a position and whatever they do, it's always analyzed in the light of what they are. When you talk about loyalty or standing behind someone or something like that, you get all kinds of emotional responses in the business.

For instance, on that highway bill, I remember one time when the Division of Highways in the Department of Public Works was attempting to persuade the senate, where the highway bill started, that the cities and counties should be jettisoned out of the bill and we should just make our deal with the state; then we could get along with the oil companies. In fact, this is what the state's line of reasoning was.

We had a steering committee in the senate. I was on it, along with five or six or seven other senators. We sat down and discussed this thing and I was amazed at the response of the legislators. "We're not about to start this kind of thing because, if we do, then our word isn't worth two cents. We've already advised these people what we'd do--that is, the cities and counties--and this is part of the deal. Either you take the deal or you don't do it." We just laid it up to the state; they backed down.

The going was getting tough and they were fearful we wouldn't get the bill, and they wanted the bill. They were bargaining and they got their bargain right back in their teeth.

Well, that covers the matter. Thank you very much.

Chall: Yes, we seem to have run out of both tape and time. Thank you for your time and for a most interesting interview.

[End of Interview with Malca Chall]

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